

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 4.
PUBLIC CARE SYSTEMS.

CHAPTER 2.
PUBLIC ASSISTANCE.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 2. PUBLIC ASSISTANCE.

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CHAPTER 2. PUBLIC ASSISTANCE.

SUBCHAPTER I. DEFINITIONS.

§ 4-201.01. DEFINITIONS.

For the purposes of this chapter, the term:

(1) Repealed.

(1A) "Adult" means a person who is not a minor.

(1B) "Assistance unit" means all individuals whose needs, income and resources are considered in determining eligibility for, and the amount of, public assistance.

(1C) "Caretaker relative" means a relative by blood, half-blood, or legal adoption caring for a dependent child, who is a child's parent, or, if a parent is not in the home exercising responsibility for the care and control of the dependent child, the child's sibling; aunt; uncle; first cousin; first cousin once removed; second cousin; nephew; niece; grandparent; step-parent; step-sibling; relative of a preceding generation as denoted by prefixes of grand-, great-, great-great-, or great-great-great-; or the spouse of a parent or other relative listed in this paragraph, even after the marriage is terminated by death or divorce.

(1D) Repealed.

(2) "Council" means the Council of the District of Columbia.

(2A) "Department" means the Department of Human Services of the District of Columbia, or any successor organizational unit (in whole or in part).

(3) "District" means the District of Columbia government.

(3A) "GAC" means the General Assistance for Children program established by § 4-205.05a.

(4) Repealed.

(4A) "Head of assistance unit" means:

(A) The adult parent of a minor child, if both are part of the same single-parent assistance unit;

(B) The principal household income earner or the nonincapacitated parent in a two-parent assistance unit, if that person is an adult parent of a minor child, and the parent and child are part of the same assistance unit;

(C) A caretaker relative residing with, and providing care for, a minor child, if the caretaker relative and child are part of the same assistance unit; or

(D) A minor parent of a minor child, if the parent and child are part of the same assistance unit and there are no adults in the assistance unit.

(5) "Mayor" means the Mayor of the District of Columbia or the agents, agencies, officers, and employees designated by him or her to perform any function vested in them by this chapter.

(5A) "Minor" means a person who is:

(A) Less than 18 years of age; or

(B) 18 years of age, a full-time student in a secondary school or in the equivalent level of vocational or technical training, and who is expected to graduate from such school or training by the person's 19th birthday.

(5B) "Parent" means a child's natural or adoptive parent.

(5C) "Parent who is the principal household income earner" means whichever parent, in a home in which both parents of a minor child are living, earned the greater amount of income in a 24-month period, the last month of which immediately preceded the month in which a TANF application was filed.

(5D) "POWER" means the Program on Work, Employment, and Responsibility established by § 4-205.72.

(6) "Public assistance" means payment in or by money, medical care, remedial care, goods or services to, or for the benefit of, needy persons.

(7) "Recipient" means a person to whom or on whose behalf public assistance is granted.

(8) "State" means each of the states of the United States. The term "state" includes Puerto Rico, Guam, and the United States Virgin Islands.

(9) "Stepparent" means a person who is living in the home of a minor child for whom TANF or POWER is requested, and who is legally married to the natural or adoptive parent of the child.

(10) "TANF" means the Temporary Assistance for Needy Families Program established by subchapter II of this chapter.

(11) "IV-D agency" means the organizational unit, or any successor organizational unit (in whole or in part), that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.), pertaining to paternity establishment and the establishment, modification, and enforcement of child support orders and certain spousal support orders (those in which the spouse or former spouse is living with a child for whom the spousal support obligor also owes support).

(Apr. 6, 1982, D.C. Law 4-101, § 101, 29 DCR 1060; Aug. 17, 1991, D.C. Law 9-27, § 2(a), 38 DCR 4205; Feb. 5, 1994, D.C. Law 10-68, § 10(a), 40 DCR 6311; Mar. 20, 1998, D.C. Law 12-60, § 701(a), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(a), 46 DCR 905; Apr. 12, 2000, D.C. Law 13-91, § 135, 47 DCR 520; Dec. 17, 2009, D.C. Law 18-94, § 2(a), 56 DCR 8521.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-201.1.

Effect of Amendments

D.C. Law 13-91, in par. (10), substituted "Temporary Assistance for Needy Families Program" for "Temporary Assistance for Needy Families program".

D.C. Law 18-94 repealed par. (1D); and, in subsec. (5C), substituted "filed" for "filed on the basis of the unemployment of that parent".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 101(a) of Omnibus Budget Support Temporary Act of 1991 (D.C. Law 9-19, June 21, 1991, law notification 38 DCR 5786).

For temporary (225 day) amendment of section, see § 7(b) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(a) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12- 21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) amendment of section, see § 701 of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

For temporary (225 day) amendment of section, see § 2(a) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(a) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

For temporary (225 day) amendment of section, see § 4(b) of TANF-Related Medicaid Managed Care Program Technical Clarification Temporary Amendment Act of 1999 (D.C. Law 12-277, April 27, 1999, law notification 46 DCR 4283).

Emergency Act Amendments

For temporary amendment of section, see § 101(a) of the Omnibus Budget Support Emergency Act of 1991 (D.C. Act 9-37, May 17, 1991, 38 DCR 3390).

For temporary amendment of section, see § 101(a) of the Omnibus Budget Support Congressional Recess Emergency Act of 1991 (D.C. Act 9-69, July 24, 1991, 38 DCR 4945).

For temporary amendment of section, see § 2(a) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 2(a) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 2(a) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 2(a) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 701(a) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and § 701(a) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

For temporary amendment of § 16 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552), see § 4(b) of the TANF-Related Medicaid Managed Care Program Technical Clarification Emergency Amendment Act of 1998 (D.C. Act 12-605, January 20, 1999, 46 DCR 1287).

For temporary amendment of section, see § 2(a) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(a) of the Self-Sufficiency Promotion Legislation Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(a) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(a) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary effect of the Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130) and regulations and procedures governing existing programs in the District of Columbia Public Assistance Act of 1982 (D.C. Law 4-101, § 4- 201.01 et seq.), see § 16 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 16 of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 16 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 16 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary (90 day) amendment of section, see § 2(a) of Public Assistance Emergency Amendment Act of 2009 (D.C. Act 18-198, October 9, 2009, 56 DCR 8132).

Legislative History of Laws

Law 4-101, the "District of Columbia Public Assistance Act of 1982," was introduced in Council and assigned Bill No. 4-369, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on January 12, 1982, and January 26, 1982, respectively. Signed by the Mayor on February 22, 1982, it was assigned Act No. 4-159 and transmitted to both Houses of Congress for its review.

Many of the substantive changes contained in D.C. Law 4-101 regarding the Aid to Families with Dependent Children program are a reformulation of the changes made in D.C. Law 4-79, the Aid to Families with Dependent Children Federal Conformity Act of 1981. Law 4-79 was introduced in Council and assigned Bill No. 4-333, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 24, 1981, and December 15, 1981, respectively. Signed by the Mayor on December 21, 1981, it was assigned Act No. 4-133 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 9-27, see Historical and Statutory Notes following § 4-205.05a.

Law 10-68, the "Technical Amendments Act of 1993," was introduced in Council and assigned Bill No. 10-166, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 29, 1993, and July 13, 1993, respectively. Signed by the Mayor on August 23, 1993, it was assigned Act No. 10-107 and transmitted to both Houses of Congress for its review. D.C. Law 10-68 became effective on February 5, 1994.

Law 12-60, the "Fiscal Year 1998 Revised Budget Support Act of 1998," was introduced in Council and assigned Bill No. 12-353, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on September 8, 1997, and October 7, 1997, respectively. Signed by the Mayor on October 24, 1997, it was assigned Act No. 12-191 and transmitted to both Houses of Congress for its review. D.C. Law 12-60 became effective on March 20, 1998.

Law 12-241, the "Self-Sufficiency Promotion Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-558, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on December 23, 1998, it was assigned Act No. 12-573 and transmitted to both Houses of Congress for its review. D.C. Law 12-241 became effective on April 20, 1999.

Law 13-91, the "Technical Amendments Act of 1999," was introduced in Council and assigned Bill No. 13-435, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 2, 1999, and December 7, 1999, respectively. Signed by the Mayor on December 29, 1999, it was assigned Act No. 13-234 and transmitted to both Houses of Congress for its review. D.C. Law 13-91 became effective on April 12, 2000.

Law 18-94, the "Public Assistance Amendment Act of 2009", as introduced in Council and assigned Bill No. 18-6, which was referred to the Committee on Human Services. The bill as adopted on first and second readings on September 22, 2009, and October 6, 2009, respectively. Effective without the Mayor's signature on October 21, 2009, it was assigned Act No. 18-221 and transmitted to both Houses of Congress for its

review. D.C. Law 18-94 became effective on December 17, 2009.

Delegation of Authority

Delegation of authority pursuant to D.C. Act 12-425, the "Self-Sufficiency Promotion Congressional Review Amendment Act of 1999", see Mayor's Order 99-65, April 26, 1999 (46 DCR 4230).

Miscellaneous Notes

Self-Sufficiency Promotion Amendment Act of 1998: D.C. Law 12-241 provided that the Public Assistance Temporary Amendment Act of 1998, effective July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), any other regulations and procedures governing existing programs in the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code § 4-201.01 et seq.), and any regulations and procedures promulgated pursuant to the Self-Sufficiency Promotion Emergency Amendment Act of 1998, effective June 9, 1998 (Act 12-372; 45 DCR 4270), the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998, effective July 31, 1998 (Act 12-425; 45 DCR 5682), or the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 shall remain in effect until superseded by regulations and procedures developed and implemented pursuant to the Self-Sufficiency Promotion Amendment Act of 1998.

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

SUBCHAPTER II. ESTABLISHMENT OF PROGRAMS; ADMINISTRATION OF CHAPTER.

§ 4-202.01. PUBLIC ASSISTANCE CATEGORIES ESTABLISHED.

The following categories of public assistance are established:

- (1) Repealed.
- (2) General Assistance for Children;
- (3) Repealed.
- (4) Emergency Shelter Family Services;
- (5) Temporary Assistance for Needy Families;
- (6) Program on Work, Employment, and Responsibility; and
- (7) Interim Disability Assistance.

(Apr. 6, 1982, D.C. Law 4-101, § 201, 29 DCR 1060; Aug. 17, 1991, D.C. Law 9-27, § 2(b), 38 DCR 4205; Mar. 24, 1997, D.C. Law 12-60, § 701(b), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(b), 46 DCR 905; Apr. 3, 2001, D.C. Law 13-252, § 2(a), 48 DCR 673.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-202.1.

Effect of Amendments

D.C. Law 13-252 added par. (7).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 101(b) of Omnibus Budget Support Temporary Act of 1991 (D.C. Law 9-19, June 21, 1991, law notification 38 DCR 5786).

For temporary (225 day) amendment of section, see § 2(b) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(b) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12- 21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) amendment of section, see § 701(a) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

For temporary (225 day) amendment of section, see § 2(b) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(b) of Self-Sufficiency Promotion Temporary

Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 101(b) of the Omnibus Budget Support Emergency Act of 1991 (D.C. Act 9-37, May 17, 1991, 38 DCR 3390).

For temporary amendment of section, see § 101(b) of the Omnibus Budget Support Congressional Recess Emergency Act of 1991 (D.C. Act 9-69, July 24, 1991, 38 DCR 4945).

For temporary amendment of section, see § 2(b) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 2(b) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 2(b) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(b) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(b) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and § 701(b) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

For temporary amendment of section, see § 2(b) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(b) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(b) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(b) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary (90-day) Welfare-to-Work Transition Plan, see §§ 4202 and 4203 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see §§ 4202 and 4203 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 9-27, see Historical and Statutory Notes following § 4-205.05a.

For legislative history of D.C. Law 12-7, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000," was introduced in Council and assigned Bill No. 13-679, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 18, 2000, and June 6, 2000, respectively. Signed by the Mayor on June 26, 2000, it was assigned Act No. 13-375 and transmitted to both Houses of Congress for its review. D.C. Law 13-172 became effective on October 19, 2000.

Law 13-252, the "Interim Disability Assistance Amendment Act of 2001", was introduced in Council and assigned Bill No. 13-550, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2000, respectively. Signed by the Mayor on December 21, 2000, it was assigned Act No. 13-539 and transmitted to Both Houses of Congress for its review. D.C. Law 13-252 became effective on April 3, 2001.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

Section 4202 of D.C. Law 13-172 provides:

"Definitions.

"(1) 'Director' means the Director of the District of Columbia Department of Human Services.

"(2) 'TANF' means Temporary Assistance to Needy Families."

§ 4-202.01A. TERMINATION OF GENERAL PUBLIC ASSISTANCE.

Effective May 1, 1997, the General Public Assistance ("GPA") program shall be terminated. No person shall be eligible to receive GPA benefits after May 1, 1997.

(Apr. 6, 1982, D.C. Law 4-101, § 201a, as added Mar. 20, 1998, D.C. Law 12-60, § 701(c), 44 DCR 7378.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-202.1a.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 2(c) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12- 21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) addition of section, see § 701(c) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

Emergency Act Amendments

For temporary addition of section, see § 2(c) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary addition of section, see § 701(c) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and § 701(c) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Legislative History of Laws

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 4-202.02. ADMINISTRATIVE DUTIES OF MAYOR.

(a) In accordance with rules issued by the Mayor and approved by the Council, pursuant to § 4-202.05, the Mayor shall administer this chapter.

(b) The Mayor shall:

- (1) Provide for maximum cooperation with other agencies rendering services to maintain and strengthen family life and to help applicants for public assistance and recipients to attain self-support or self-care;
- (2) Cooperate in all necessary respects with agencies of the United States government in the administration of this chapter, and accept any funds, goods, or services payable to the District for public assistance and for administering public assistance; and
- (3) Enter into reciprocal agreements with any state relative to the provision of public assistance to residents and nonresidents.

(Apr. 6, 1982, D.C. Law 4-101, § 202, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(c), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-202.2.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(c) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(c) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(c) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(c) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(c) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

District of Columbia Coordinating Committee on Early Intervention Services established: See Mayor's Order 88-183, August 3, 1988.

Mayor's Committee on Persons With Disabilities established: See Mayor's Order 88-245, November 16, 1988.

Amendment of Mayor's Order 88-245, dated 11-16-88, Establishment - Mayor's Committee on Persons with Disabilities and Reappointments and Appointments, see Mayor's Order 2002-79, May 3, 2002 (49 DCR 4149).

§ 4-202.03. MAYOR AUTHORIZED TO DELEGATE FUNCTIONS.

The Mayor may delegate and subdelegate any function vested in him or her by this chapter to any agency, officer, or employee of the District. The Mayor may contract with private entities to carry out functions under the TANF or POWER programs vested in him or her by this chapter, subject to the limitation of § 4-205.19h and any other applicable District law.

(Apr. 6, 1982, D.C. Law 4-101, § 203, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(d), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-202.3.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(d) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(d) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(d) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(d) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(d) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Delegation of Authority

Amendment of Mayor's Order 86-26 dated February 6, 1986, Delegation of Authority under the Public Assistance Act of 1982, D.C. Law 4-101, see Mayor's Orders 93-31, March 23, 1993; 93-219, December 1, 1993.

Delegation of authority pursuant to Law 6-35, see Mayor's Order 86-40, March 13, 1986.

Delegation of authority pursuant to Law 6-124, see Mayor's Order 86-220, December 23, 1986.

Miscellaneous Notes

Mayor's reports: Section 4 of Law 7-86 provided that within 180 days of March 11, 1988, the Mayor shall transmit to the Council a written report describing specific plans and timetables for implementing the provisions of this act. The Mayor shall transmit to the Council an annual updated written report regarding the status of the Emergency Shelter Family Program.

§ 4-202.04. COUNCIL TO ADOPT RULES.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 204, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(e), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-202.4.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(e) of Self-Sufficiency Promotion Temporary Amendment

Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 2(e) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(e) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(e) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(e) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-230, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-202.05. MAYOR TO ISSUE RULES.

(a) The Mayor shall, no later than January 1, 1986, and pursuant to subchapter I of Chapter 5 of Title 2, issue rules necessary to implement § 2 of the District of Columbia Public Assistance Act of 1982 Amendments Act of 1985.

(b) The Mayor shall promptly issue proposed rules to implement the provisions of the Self-Sufficiency Promotion Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-241; 46 DCR 905), pursuant to subchapter I of Chapter 5 of Title 2. The proposed rules shall be submitted to the Council for a 30-day period of review excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within the 30-day review period, the proposed rules shall be deemed approved.

(c)(1) Within 90 days of January 19, 2011, the Mayor shall issue proposed rules on sanctions.

(2) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

(d) Within 30 days of September 20, 2012, the Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of D.C. Law 19-168, Title V, Subtitle Q.

(Apr. 6, 1982, D.C. Law 4-101, § 205, as added Sept. 10, 1985, D.C. Law 6-35, § 2(a), 32 DCR 3778; Apr. 20, 1999, D.C. Law 12-241, § 2(f), 46 DCR 905; Apr. 20, 1999, D.C. Law 12-264, § 15(a), 46 DCR 2118; Apr. 8, 2011, D.C. Law 18-370, § 522(a), 58 DCR 1008; Sept. 20, 2012, D.C. Law 19-168, § 5162(a), 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-202.5.

Effect of Amendments

D.C. Law 18-370 added subsec. (c).

D.C. Law 19-168 added subsec. (d).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(c) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(c) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(f) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

For temporary (225 day) amendment of section, see § 4(a) of TANF-Related Medicaid Managed Care Program Technical Clarification Temporary Amendment Act of 1999 (D.C. Law 12-277, April 27, 1999, law notification 46 DCR 4283).

Emergency Act Amendments

For temporary amendment of section, see § 2(c) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 2(c) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 2(c) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(f) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(f) of the Self-Sufficiency Promotion Legislation Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(f) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(f) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary amendment of section, see § 4(a) of the TANF-related Medicaid Managed Care Program Technical Clarification Emergency Amendment Act of 1998 (D.C. Act 12-605, January 20, 1999, 46 DCR 1287).

For temporary (90 day) amendment of section, see § 522(a) of Fiscal Year 2011 Supplemental Budget Support Emergency Act of 2010 (D.C. Act 18-694, January 19, 2011, 58 DCR 662).

Legislative History of Laws

Law 6-35, the "District of Columbia Public Assistance Act of 1982 Amendments Act of 1985," was introduced in Council and assigned Bill No. 6-97, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on May 28, 1985, and June 11, 1985, respectively. Signed by the Mayor on June 14, 1985, it was assigned Act No. 6-50 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Law 12-264, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

Law 18-370, the "Fiscal Year 2011 Supplemental Budget Support Act of 2010", was introduced in Council and assigned Bill No. 18-1100, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on January 27, 2011, it was assigned Act No. 18-721 and transmitted to both Houses of Congress for its review. D.C. Law 18-370 became effective on April 8, 2011.

Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012", was introduced in Council and assigned Bill No. 19-743, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to both Houses of Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

References in Text

"Section 2 of the District of Columbia Public Assistance Act of 1982 Amendments Act of 1985," referred to at the end of the subsec. (a), is § 2 of D.C. Law 6- 35, which enacted this section and § 4-211.06, and amended §§ 4-205.05, 4- 205.10, 4-205.11, 4-205.15, 4-205.25, 4-205.33, 4-205.50, 4-205.54, 4-205.55, 4-205.57, 4-205.59, 4-208.01, 4-210.09, 4-216.01 and 4-217.05, and repealed § 4-205.60.

Delegation of Authority

Delegation of Rulemaking Authority to the Director of the Department of Human Services, see Mayor's Order 2011-118, July 14, 2011 (58 DCR 6111).

Resolutions

Resolution 16-94, the "Incentive Payments for Eligible TANF Recipients Rulemaking Approval Resolution of 2005", was approved effective January 4, 2005.

Resolution 16-337, the "Work Participation Allowance and Incentive Payments to Eligible TANF Recipients Proposed Rulemaking Approval Resolution of 2005", was approved effective September 22, 2005.

Miscellaneous Notes

Short title: Section 521 of D.C. Law 18-370 provided that subtitle C of title V of the act may be cited as "District of Columbia Public Assistance Amendment Act of 2010".

Short title: Section 5161 of D.C. Law 19-168 provided that subtitle Q of title V of the act may be cited as "Temporary Assistance for Needy Families Time Limit Amendment Act of 2012".

SUBCHAPTER III. CRISIS MANAGEMENT OF CHILDREN.

§ 4-203.01. DEFINITIONS.

For the purposes of this subchapter, the term:

(1) "Child" means any child who comes within the purview of the Department of Human Services either because such child is neglected as defined in § 16- 2301(9) or whose custody has been voluntarily surrendered by the parent or guardian to the Mayor.

(2) "Crisis facility" shall mean any community-based residential type housing for dependent and neglected children.

(3) "Private institution" means any privately owned or operated institution that provides care and maintenance for neglected or dependent children, or both, on a contractual basis with the Mayor.

(4) "Public institution" shall mean Junior Village or any successor institution designed and used for such purpose.

(Apr. 6, 1982, D.C. Law 4-101, § 301, 29 DCR 1060; Mar. 14, 1985, D.C. Law 5-159, § 17(a), 32 DCR 30.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-203.1.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

Law 5-159, the "End of Session Technical Amendments Act of 1984," was introduced in Council and assigned Bill No. 5-540, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 20, 1984, and December 4, 1984, respectively. Signed by the Mayor on December 10, 1984, it was assigned Act No. 5-224 and transmitted to both Houses of Congress for its review.

§ 4-203.02. ASSIGNMENT TO PUBLIC INSTITUTION BY DEPARTMENT.

No child 6 years of age or younger shall be assigned by the Department to any public institution, except that any such child who requires medical treatment may be assigned to a hospital or other medical facility for such treatment; provided, that medical treatment shall not be construed to include emotional disorders of less than an acute nature. In furtherance thereof, the Mayor shall develop an overall plan of child care and emergency child care so as to eliminate the necessity of a public institution for the care of such children other than for medical reasons. No child shall remain in any crisis facility for longer than 15 days.

(Apr. 6, 1982, D.C. Law 4-101, § 302, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-203.2.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-203.03. MAINTENANCE IN PUBLIC INSTITUTION BY MAYOR.

No child 6 years of age or younger shall be maintained by the Mayor in any public institution except for medical treatment.

(Apr. 6, 1982, D.C. Law 4-101, § 303, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-203.3.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-203.04. ASSIGNMENT TO PUBLIC INSTITUTION BY MAYOR.

The Mayor shall not assign any child regardless of age to any public institution except that any such child who requires medical treatment may be assigned to a hospital or other medical facility for such treatment or unless ordered to such rehabilitative institution as a court of competent jurisdiction may direct.

(Apr. 6, 1982, D.C. Law 4-101, § 304, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-203.4.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

SUBCHAPTER IV. MEDICAID PROGRAM ADMINISTRATION.

PART A. GENERAL.

§ 4-204.01. MONTHLY AMOUNT OF INCOME DISREGARDED.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 401, 29 DCR 1060; Mar. 20, 1998, D.C. Law 12-60, § 701(d), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-204.1.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(g) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of §§ 4-204.01 through 4-204.04, see § 2(g) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(g) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(g) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(g) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-204.02. AMOUNT OF FEDERAL PAYMENT DISREGARDED.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 402, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-204.2.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(g) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-204.01.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-204.03. ABILITY OF RESPONSIBLE RELATIVES TO CONTRIBUTE.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 403, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-204.3.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(g) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-204.01.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-204.04. AMOUNT OF TRAINING INCENTIVE PAYMENT DISREGARDED.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 404, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-204.4.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(g) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-204.01.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-204.05. MEDICAID BENEFITS.

The District state plan required under title XIX of the Social Security Amendments of 1965 (42 U.S.C. § 1396 et seq.) shall provide that all persons in the following categories are eligible for full Medicaid benefits:

- (1) All persons receiving Supplemental Security Income benefits;
- (2) All persons categorically related to the Supplemental Security Income ("SSI") program (that is, aged, blind, or persons with permanent disabilities) and receiving benefits under the Old Age and Survivors Disability Insurance ("OASDI") program and who were eligible for SSI benefits (but for OASDI) cost-of-living increases received since April, 1977; and
- (3) All persons categorically related to the SSI program (that is, aged, blind, or persons with permanent disabilities) whose monthly countable income, regardless of source, is equal to or less than the combined maximum monthly payment of SSI plus the District supplement for the person having no other income or resources.

(Apr. 6, 1982, D.C. Law 4-101, § 405, 29 DCR 1060; Apr. 24, 2007, D.C. Law 16-305, § 13(a), 53 DCR 6198.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-204.5.

Effect of Amendments

D.C. Law 16-305 substituted "persons with permanent disabilities" for "permanently disabled", throughout the section.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For Law 16-305, see notes following § 4-110.

§ 4-204.05A. EXTENSION OF TRANSITIONAL MEDICAID PROGRAM.

(a) The Mayor shall extend the transitional Medicaid program to 24 months pursuant to the Family Support Act of 1988, approved October 13, 1988 (P.L. 100-485; 102 Stat. 2343), and the District of Columbia State Plan for Medicaid. The Mayor shall seek any waivers and exemptions from federal statutes and regulations necessary to make such an extension.

(b) Increased transitional medical assistance benefits shall be made available to all working families eligible under subsection (a) of this section.

(c) Earned income shall be disregarded under the extended Transitional Medicaid Program in accordance with § 4-205.11(a)(5)(B).

(Apr. 6, 1982, D.C. Law 4-101, § 405a, as added Oct. 27, 1995, D.C. Law 11-72, § 301, 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 4(a), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-204.5a.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 4(c) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 4(a) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(a) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(a) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(a) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 11-72, see Historical and Statutory Notes following § 4-205.61.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Expiration of Law 11-72: Section 401 of D.C. Law 11-72 provided that the act shall expire 5 years from the date of implementation of an approved federal waiver and rules promulgated by the Mayor.

§ 4-204.06. DISTRICT SUPPLEMENT FOR SUPPLEMENTAL SECURITY INCOME RECIPIENTS.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 406, as added Sept. 14, 1982, D.C. Law 4-146, § 3, 29 DCR 3151; Mar. 10, 1983, D.C. Law 4-208, § 2(a), 30 DCR 202; Mar. 14, 1985, D.C. Law 5-159, § 17(b), 32 DCR 30; Apr. 30, 1988, D.C. Law 7-104, § 29, 35 DCR 147; Feb. 27, 1998, D.C. Law 12-53, § 2, 44 DCR 6228.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-204.6.

Legislative History of Laws

Law 12-53, the "Supplemental Security Income Payment Amendment Act of 1997," was introduced in Council and assigned Bill No. 12-254, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on July 1, 1997, and September 22, 1997, respectively. Signed by the Mayor on October 3, 1997, it was assigned Act No. 12-170 and transmitted to both Houses of Congress for its review.

§ 4-204.07. INTERIM DISABILITY ASSISTANCE.

(a) The purpose of the Interim Disability Assistance ("IDA") program is to provide temporary financial assistance to adults with disabilities while their application for Supplemental Security Income ("SSI") is pending. The eligibility criteria are designed to qualify individuals who have a high likelihood of receiving SSI.

(b) Applications for IDA shall be approved or disapproved by the Mayor with reasonable promptness. Other aspects of the application process, including good-cause exceptions to the application-processing standard, shall be determined by rules established by the Mayor. The monthly grant amount shall be the same as that for a family size of one for an individual or 2 for a couple under the Temporary Assistance to Needy Families program, as determined under § 4-205.52.

(c) For the purposes of IDA, the term "disability" shall have the same meaning as that employed by the Social Security Administration ("SSA");

(d)(1) An individual shall be eligible for IDA if the individual is:

(A) A United States citizen or an alien who meets the alien eligibility requirements for SSI under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2260; 8 U.S.C. §§ 1601-1646);

(B) A resident of the District of Columbia, as determined under § 4-205.03;

(C) Financially in need, as determined under the rules established by the Mayor;

(D) Ineligible for a category of cash assistance in which there is federal financial participation, except that an individual who has applied for Social Security Disability Insurance ("SSDI") or Supplemental Security Income may be eligible during the period that the SSDI or SSI application is being processed; and

(E) Determined by the Department of Human Services ("DHS") to meet the definition of disability.

(2) An otherwise eligible individual may not receive assistance unless the individual:

(A) Applies to the Social Security Administration for SSI benefits;

(B) Signs an Interim Assistance Reimbursement Authorization form in accordance with subsection (e)(2) of this section;

(C) Provides a social security number or verification of application for a social security number; and

(D) As a condition of eligibility, an applicant for or recipient of IDA shall cooperate with an entity designated by the Mayor to provide case management and legal advocacy in the SSI application and appeal process.

(3)(A) An otherwise qualified individual's period of eligibility for IDA benefits shall begin in the month following the month in which his or her application for SSI was filed with the Social Security Administration.

(B) The period of eligibility for IDA benefits shall end either at the end of the month in which the Social Security Administration makes a final decision on the application for SSI benefits, if the Social Security Administration's decision is a denial of the application, or at the end of the month in which the Social Security Administration begins payment of benefits, if the decision is favorable.

(C) For purposes of this paragraph, the final decision of the Social Security Administration shall be the decision by the Appeals Council of the Office of Hearings and Appeals, or the denial by the Disability Determination Division or Administrative Law Judge, if the IDA recipient fails, without good cause, to file a timely appeal from that decision.

(D) If the decision of the Administrative Law Judge is a denial and an appeal is filed timely, the Department of Human Services shall immediately make a determination whether to refer the IDA recipient for appropriate vocational rehabilitation services.

(E) If an IDA recipient requests a fair hearing to contest the termination of his or her benefits, any IDA benefits paid pending the outcome of the fair hearing shall terminate as of the last month of the period of eligibility, as defined in this section, regardless of whether the fair hearing process is complete.

(4) If an applicant for IDA has previously been determined by the Social Security Administration ("SSA") not to satisfy the disability requirements for SSI, DHS will evaluate disability in the same manner as under the Medicaid program, as provided in 42 C.F.R. §435.541. The applicant shall be ineligible for IDA unless he or she:

(A) Alleges a disabling condition different from, or in addition to, that considered by SSA in making

its determination;

(B) Alleges more than 12 months after the most recent SSA determination denying disability that his or her condition has changed or deteriorated since that SSA determination, alleges a new period of disability which meets the durational requirements of the Social Security Act, and has not applied to SSA for a determination with respect to these allegations; or

(C) Alleges less than 12 months after the most recent SSA determination denying disability that his or her condition has changed or deteriorated since that SSA determination, alleges a new period of disability which meets the durational requirements of the Social Security Act, and has applied to SSA for reconsideration or reopening of its disability decision.

(e)(1) For any month or period of months in which an IDA recipient receives both IDA and SSI, the IDA recipient shall repay to the District of Columbia:

(A) The entire amount of the IDA assistance payments received if the SSI benefits received for the same period equaled or exceeded the IDA payment; or

(B) That portion of the IDA assistance payments equal in amount to the SSI benefits received for the same period if the SSI benefits received were less than the IDA payment.

(2) To make repayment in accordance with paragraph (1) of this subsection, an IDA applicant shall sign an Interim Assistance Reimbursement Authorization which:

(A) Permits the Social Security Administration to send the individual's past-due SSI benefit payment to the DHS; and

(B) Permits DHS to deduct from these payments an amount equal to the IDA benefits provided.

(3) Upon receipt of an IDA recipient's past-due SSI benefit, DHS shall calculate, in accordance with paragraph (1) of this subsection, the amount of the benefit due to DHS as repayment and the amount, if any, due the IDA recipient. DHS shall then provide the IDA recipient with a written explanation of this calculation and shall pay any amount due the IDA recipient, in accordance with section 1631 of the Social Security Act, approved October 30, 1972 (86 Stat. 1475; 42 U.S.C. § 1383(g)) and SSA Interim Assistance regulations, 20 C.F.R. §§ 416.1901 to 416.1922.

(4) Because having a pending SSI application is an eligibility requirement for IDA, if an IDA recipient is determined by the Social Security Administration to meet the disability requirements for purposes of SSI eligibility but withdraws the SSI application prior to payment of past-due SSI benefits, the IDA benefits received by that individual shall be considered an overpayment and that individual shall be liable to the District for repayment of all IDA benefits received.

(e-1)(1) The amount of a recipient's past-due SSI benefit payment that is due DHS as repayment under subsection (e) of this section shall be deposited into the Interim Disability Assistance Fund established by § 4-204.09.

(2) The amount of an overpayment of IDA benefits that is received from an IDA recipient pursuant to subsection (e)(4) of this section shall be deposited into the Interim Disability Assistance Fund established by § 4-204.09.

(f) The Mayor shall submit to the Council by March 15 of each year a report on the operation of the program for the previous calendar year. The report shall include:

(1) The total number of IDA applicants, the number approved, and the number denied;

(2) The number and percentage of IDA applicants approved for SSI. To the extent possible, the information should be provided for each of the four levels of adjudication (original application, reconsidered application, Administrative Law Judge decision, and Appeals Council of the Office of Hearings and Appeals;

(3) An analysis of the approvals and denials at each level, why the approval percentage is what it is, and what needs to be done to ensure a better match between SSI approvals and DHS approvals; and

(4) Observations on the best practices in other states.

(g) The payment of benefits under this section shall be subject to the availability of appropriations.

(h) The Department of Human Services shall establish eligibility criteria for participants in the Interim Disability Assistance program.

(Apr. 6, 1982, D.C. Law 4-101, § 407, as added Apr. 3, 2001, D.C. Law 13-252, § 2(b), 48 DCR 673; Oct. 1, 2002, D.C. Law 14-190, § 1902(a), 49 DCR 6968; May 18, 2004, D.C. Law 15-156, § 2, 51 DCR 3393; Sept. 14, 2011, D.C. Law 19-21, § 5092, 58 DCR 6226.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 14-190 added subsec. (e-1).

D.C. Law 15-156 rewrote subsec. (b); and in subsec. (d), substituted "established by the Mayor" for

"applicable to the TANF program" in subpar. (1)(C), made nonsubstantive changes to subpars. (2)(B) and (2)(C), and added subpar. (2)(D). Prior to amendment, subsec. (b) had read as follows:

"(b) The application and financial eligibility processes shall be administered in accordance with the rules for the Temporary Assistance to Needy Families ("TANF") program. The monthly grant amount shall be the same as that for a family size of one under the TANF program, as determined under § 4-205.52."

D.C. Law 19-21 added subsec. (h).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of Interim Disability Assistance Temporary Amendment Act of 2002 (D.C. Law 14-141, 200, law notification 49 DCR 5058).

For temporary (225 day) amendment of section, see § 2 of Interim Disability Assistance Temporary Amendment Act of 2003 (D.C. Law 15-1, May 3, 2003, law notification 50 DCR 3781).

For temporary (225 day) amendment of section, see § 2 of Interim Disability Assistance Temporary Amendment Act of 2004 (D.C. Law 15-116, March 30, 2004, law notification 51 DCR 3803).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of Interim Disability Assistance Emergency Amendment Act of 2002 (D.C. Act 14-285, February 25, 2002, 49 DCR 2315).

For temporary (90 day) amendment of section, see § 1902(a) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

For temporary (90 day) amendment of section, see § 2 of Interim Disability Assistance Emergency Amendment Act of 2003 (D.C. Act 15-2, January 22, 2003, 50 DCR 1424).

For temporary (90 day) amendment of section, see § 2 of Interim Disability Assistance Congressional Review Emergency Amendment Act of 2003 (D.C. Act 15-48, March 24, 2003, 50 DCR 2820).

For temporary (90 day) amendment of section, see § 2 of Interim Disability Assistance Second Emergency Amendment Act of 2003 (D.C. Act 15-278, December 18, 2003, 51 DCR 58).

For temporary (90 day) amendment of section, see § 2 of Interim Disability Assistance Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-402, March 18, 2004, 51 DCR 3643).

Legislative History of Laws

For D.C. Law 13-252, see notes following § 4-202.01.

Law 14-190, the "Fiscal Year 2003 Budget Support Act of 2002", was introduced in Council and assigned Bill No. 14-609, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 7, 2002, and June 4, 2002, respectively. Signed by the Mayor on July 3, 2002, it was assigned Act No. 14-403 and transmitted to both Houses of Congress for its review. D.C. Law 14-190 became effective on October 1, 2002.

Law 15-156, the "Interim Disability Assistance Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-608, which was referred to Committee on Human Services. The Bill was adopted on first and second readings on February 3, 2004, and March 2, 2004, respectively. Signed by the Mayor on March 18, 2004, it was assigned Act No. 15-391 and transmitted to both Houses of Congress for its review. D.C. Law 15-156 became effective on May 18, 2004.

Law 19-21, the "Fiscal Year 2012 Budget Support Act of 2011", was introduced in Council and assigned Bill No. 19-203, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 25, 2011, and June 14, 2011, respectively. Signed by the Mayor on July 22, 2011, it was assigned Act No. 19-98 and transmitted to both Houses of Congress for its review. D.C. Law 19-21 became effective on September 14, 2011.

Miscellaneous Notes

Sections 3 and 4 of D.C. Law 13-252 provides:

"Sec. 3. The Interim Disability Assistance Amendment Act of 2000 shall be applicable beginning October 1, 2001, unless funds are made available by reprogramming for implementation during the fourth quarter of fiscal year 2001.

"Sec. 4. The Mayor shall provide the Council, no later than November 15, 2001, a report on how to implement a computer system that, at a minimum, would enable the District's Interim Disability Assistance program to interface and directly exchange information with the computer systems of the federal Social Security Disability Insurance and Supplemental Security Income programs. The report shall include a description of at least one proposed computer system, its capabilities and limitations, preliminary cost estimates to obtain the system, and timetables for acquisition and implementation."

Short title of title XIX of Law 14-190: Section 1901 of D.C. Law 14-190 provided that title XIX of the act may be cited as the Interim Disability Assistance Fund Establishment Amendment Act of 2002.

Short title: Section 5091 of D.C. Law 19-21 provided that subtitle J of title V of the act may be cited as "Interim Disability Assistance Amendment Act of 2011".

§ 4-204.08. PILOT PROGRAM FOR INTERIM DISABILITY ASSISTANCE.

(a) The Mayor shall establish a pilot program for providing Interim Disability Assistance, beginning no later than February 1, 2002. Eligibility for assistance under the program shall be based on a minimum appropriation of no less than \$2,150,000, and assistance shall continue to be provided if additional funds in excess of the \$2,150,000 become available. During any period in which eligibility for assistance is capped due to the unavailability of funds, the Mayor shall establish and maintain a waiting list of likely eligible applicants.

(b) The Department of Human Services, Income Maintenance Administration ("IMA") shall conduct a study to determine the size of the eligible population for assistance. The report shall be completed in time for the IMA to recommend to the Mayor the appropriate funding level for the program in Fiscal Year 2003.

(c) Based on an analysis of the available data, including the size of the eligible population determined pursuant to subsection (b) of this section, the IMA shall recommend to the Mayor the appropriate funding level to fully fund the Interim Disability Assistance program for Fiscal Year 2003.

(d) The Mayor shall fully fund the Interim Disability Assistance program for Fiscal Year 2003 by including a line item for that purpose in the Fiscal Year 2003 base budget and operational plan.

(Apr. 6, 1982, D.C. Law 4-101, § 408, as added Oct. 3, 2001, D.C. Law 14- 28, § 5002, 48 DCR 6981; Mar. 13, 2004, D.C. Law 15-105, § 29, 51 DCR 881.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-105 validated a previously made technical correction.

Emergency Act Amendments

For temporary (90 day) addition of section, see § 4502 of Fiscal Year 2002 Budget Support Emergency Act of 2001 (D.C. Act 14-124, August 3, 2001, 48 DCR 7861).

For temporary (90 day) addition of §§ 4-204.11 to 4-204.16, see §§ 1501 to 1506 of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

For temporary (90 day) addition of §§ 4-204.51 to 4-204.56, see §§ 1551 to 1556 of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

For temporary (90 day) addition of § 4-204.09, see § 1902(b) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

Legislative History of Laws

Law 14-28, the "Fiscal Year 2002 Budget Support Act of 2001", was introduced in Council and assigned Bill No. 14-144, which was referred to the Committee Of the Whole. The Bill was adopted on first and second readings on May 1, 2001, and June 5, 2001, respectively. Signed by the Mayor on June 29, 2001, it was assigned Act No. 14-85 and transmitted to both Houses of Congress for its review. D.C. Law 14-28 became effective on October 3, 2001.

Law 15-105, the "Technical Amendments Act of 2003", was introduced in Council and assigned Bill No. 15-437, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 2003, and December 2, 2003, respectively. Signed by the Mayor on January 6, 2004, it was assigned Act No. 15-291 and transmitted to both Houses of Congress for its review. D.C. Law 15-105 became effective on March 13, 2004.

§ 4-204.09. INTERIM DISABILITY ASSISTANCE FUND.

(a) There is established as a nonlapsing, revolving fund the Interim Disability Assistance Fund ("Fund") which shall be separate from the General Fund and into which shall be deposited funds to be used solely for the purpose of implementing the Interim Disability Assistance program established by § 4- 204.07.

(b) All funds shall be deposited into the Fund without regard to fiscal year limitation pursuant to an act of Congress. All funds deposited into the Fund shall not revert to the General Fund at the end of any fiscal year or at any other time, but shall be continually available for the purpose of funding the Interim Disability Act program, subject to authorization by Congress in an appropriations act.

(Apr. 6, 1982, D.C. Law 4-101, § 409, as added Oct. 1, 2002, D.C. Law 14- 190, § 1902(b), 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

For Law 14-190, see notes following § 4-204.07.

PART B. OFFICE OF MEDICAID OPERATIONS REFORM.

§ 4-204.11. SHORT TITLE.

This part may be cited as the "Office of Medicaid Operations Reform Establishment Act of 2002".

(Oct. 1, 2002, D.C. Law 14-190, § 1501, 49 DCR 6968; Nov. 13, 2003, D.C. Law 15-39, § 1502(a), 50 DCR 5668.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-39 deleted "Public Provider" following "Medicaid".

Emergency Act Amendments

For temporary (90 day) approval of proposed amendments to the District of Columbia State Plan for Medical Assistance, see § 1902 of Fiscal Year 2003 Budget Support Amendment Emergency Act of 2002 (D.C. Act 14-544, December 4, 2002, 49 DCR 11700).

For the temporary (90 day) Medicaid State Plan Amendment Approval provisions, see § 1902 of the Fiscal Year 2003 Budget Support Amendment Congressional Review Emergency Act of 2003 (D.C. Act 15-27, February 24, 2003, 50 DCR 2151).

For temporary (90 day) amendment of section, see § 1502(a) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 1502(a) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

For the temporary (90 day) Medicaid State Plan Amendment Approval provisions, see § 1902 of the Fiscal Year 2003 Budget Support Amendment Second Congressional Review Emergency Act of 2003 (D.C. Act 15-103, June 20, 2003, 50 DCR 5499).

Legislative History of Laws

Law 14-190, the "Fiscal Year 2003 Budget Support Act of 2002", was introduced in Council and assigned Bill No. 14-609, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 7, 2002, and June 4, 2002, respectively. Signed by the Mayor on July 3, 2002, it was assigned Act No. 14-403 and transmitted to both Houses of Congress for its review. D.C. Law 14-190 became effective on October 1, 2002.

Law 14-307, the "Fiscal Year 2003 Budget Support Amendment Act of 2002", was introduced in Council and assigned Bill No. 14-892, which was referred to the Committee on the Whole. The Bill was adopted on first and second readings on October 1, 2002, and November 7, 2002, respectively. Signed by the Mayor on December 4, 2002, it was assigned Act No. 14-543 and transmitted to both Houses of Congress for its review. D.C. Law 14-307 became effective on June 5, 2003.

Law 15-39, the "Fiscal Year 2004 Budget Support Act of 2003", was introduced in Council and assigned Bill No. 15-218, which was referred to Committee on Whole. The Bill was adopted on first and second readings on May 6, 2003, and June 3, 2003, respectively. Signed by the Mayor on June 20, 2003, it was assigned Act No. 15-106 and transmitted to both Houses of Congress for its review. D.C. Law 15-39 became effective on November 13, 2003.

Miscellaneous Notes

Section 1902 of D.C. Law 14-307 provides:

"Pursuant to section 1(a)(2) of An Act To enable the District of Columbia to receive Federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02(a)(2)), the Council of the District of Columbia approves the proposed amendments to the District of Columbia State Plan for Medical Assistance to authorize the Medicaid Program to remove the requirement that requires that rates paid to hospitals, nursing facilities, and intermediate care facilities for persons with mental retardation be adjusted annually for inflation; to add provisions that require that payments made to hospitals, nursing facilities, and intermediate care facilities for persons with mental retardation for inflation adjustments in subsequent fiscal years be contingent upon the availability of funds; to increase the pharmacy dispensing fee effective April 1, 2003; and to remove provisions authorizing payment exceptions to the cost ceilings applicable to nursing facilities; and to approve a waiver to the District of Columbia State Plan for Medical Assistance to expand coverage of its Medicaid Program to childless adults 50 to 64 years of age."

Establishment of the Office of Medicaid Public Provider Operations Reform, see Mayor's Order 2002-101, June 28, 2002 (49 DCR 5997).

Short title of title XV of Law 15-39: Section 1501 of D.C. Law 15-39 provided that title XV of the act may be cited as the Medicaid and Tobacco Funding Amendment Act of 2003.

§ 4-204.12. DEFINITIONS.

For the purposes of this part, the term:

(1) "Director" means the Director of the Office of Medicaid Operations Reform.

(1A) "Foster Care and Adoption Assistance" means the programs authorized by Part E of Title IV of the Social Security Act, approved June 17, 1980 (94 Stat. 501; 42 U.S.C. § 670 *et seq.*).

(2) "Medicaid" means the medical assistance programs authorized by title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), or by § 1-307.02, and administered by the Department of Health.

(2A) "Medicare" means the health insurance programs authorized by Title XVIII of the Social Security Act, approved July 30, 1965 (79 Stat. 290; 42 U.S.C. § 1395 *et seq.*).

(3) "Office" means the Office of Medicaid Operations Reform.

(Oct. 1, 2002, D.C. Law 14-190, § 1502, 49 DCR 6968; Nov. 13, 2003, D.C. Law 15-39, § 1502(b), 50 DCR 5668.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-39, in pars. (1) and (3), deleted "Public Provider" following "Medicaid"; added pars. (1A) and (2A); and in par. (2), substituted "or by" for "and by".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1502(b) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 1502(b) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

Legislative History of Laws

For Law 14-190, see notes following § 4-204.11.

For Law 15-39, see notes following § 4-204.11.

§ 4-204.13. ESTABLISHMENT OF THE OFFICE OF MEDICAID OPERATIONS REFORM.

(a) There is established an Office of Medicaid Operations Reform.

(b) The Mayor shall appoint a Director of the Office who shall be responsible for the management and operations of the Office and serve at the pleasure of the Mayor.

(c) The Mayor shall establish an External Medicaid Task Force to advise the Director.

(d) The Mayor shall fix the compensation of the Director pursuant to subchapter IX of Chapter 6 of Title 1.

(e) The Director is authorized to hire staff in the Career Service, consistent with budgetary authorization, as he or she deems necessary to perform the functions of the Office. The Director may engage qualified volunteers in accordance with District of Columbia law.

(f) If spending pressures generated by the Medicaid, Medicare, and Foster Care and Adoption Assistance programs make it necessary that funds from the Medicaid and Special Education Reform Fund be made available for expenditure by the Department of Human Services, the Child and Family Services Agency, the Department of Mental Health, or the Department of Health, the Director, in accordance with § 4-204.55(a)(2)(A), shall submit to the Mayor either a plan to generate savings comparable to the funds allocated or a performance plan to ensure future reduction of costs and maximization of third-party revenues.

(g) The Director shall have the authority to delegate to other employees of the Office any of the Director's powers and duties.

(Oct. 1, 2002, D.C. Law 14-190, § 1503, 49 DCR 6968; Nov. 13, 2003, D.C. Law 15-39, § 1502(c), 50 DCR 5668.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-39, in subsec. (a), deleted "Public Provider" following "Medicaid"; rewrote subsec. (f) which had read as follows:

"(f) If spending pressures generated by the Medicaid program make it necessary that funds from the Tobacco Settlement Trust Fund be made available for expenditure by the Department of Human Services or the Child and Family Services Agency, the Director shall submit to the Mayor a plan to generate savings comparable to the funds allocated in accordance with § 7-1811.03(b)(5)(A)(i)."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1502(c) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 1502(c) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

Legislative History of Laws

For Law 14-190, see notes following § 4-204.11.

For Law 15-39, see notes following § 4-204.11.

§ 4-204.14. PURPOSES, POWERS, AND DUTIES OF THE OFFICE.

The primary purpose of the Office is to redesign the District of Columbia's Medicaid, Medicare, and Foster Care and Adoption Assistance infrastructure to improve the operational management of Medicaid, Medicare, and Foster Care and Adoption Assistance programs on an agency level. The Office shall:

- (1) Provide technical assistance and support to District of Columbia agencies for the purpose of documenting and processing Medicaid, Medicare, and Foster Care and Adoption Assistance claims, and maximizing Medicaid, Medicare, and Foster Care and Adoption Assistance reimbursements, where not duplicative of assistance already provided to District of Columbia agencies by the State Medicaid Office;
- (2) Manage Medicaid, Medicare, and Foster Care and Adoption Assistance costs and project revenues in liaison with the State Medicaid, Medicare, and Foster Care and Adoption Assistance Office and the Chief Financial Officer;
- (3) Review and support legislation ensuring service expansion for all entitled residents in collaboration with the Mayor and the State Medicaid Office;
- (4) Oversee the implementation of Medicaid, Medicare, and Foster Care and Adoption Assistance reforms within District of Columbia agencies to fulfill statutory requirements;
- (5) Prepare an annual report for the Mayor and the Council on the Office's activities and recommendations; and
- (6) Engage in other activities as needed to carry out the purposes of this part.

(Oct. 1, 2002, D.C. Law 14-190, § 1504, 49 DCR 6968; Nov. 13, 2003, D.C. Law 15-39, § 1502(d), 50 DCR 5668; Mar. 13, 2004, D.C. Law 15-105, § 30(a), 51 DCR 881.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-39, in the introductory paragraph, substituted "Medicaid, Medicare, and Foster Care and Adoption Assistance infrastructure" for "Medicaid infrastructure" and substituted "Medicaid, Medicare, and Foster Care and Adoption Assistance Programs" for "Medicaid programs"; in par. (1), substituted "Medicaid, Medicare, and Foster Care and Adoption Assistance claims, and maximizing Medicaid, Medicare, and Foster Care and Adoption Assistance reimbursements," for "Medicaid claims, and maximizing Medicaid reimbursements,"; and in pars. (2) and (4), substituted "Medicaid, Medicare, and Foster Care and Adoption Assistance" for "Medicaid".

D.C. Law 15-105, in par. (6), validated a previously made technical correction.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1502(d) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 1502(d) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

For Law 14-190, see notes following § 4-204.11.

For Law 15-39, see notes following § 4-204.11.

For Law 15-105, see notes following § 4-204.08.

§ 4-204.15. RULES.

The Mayor, pursuant to Chapter 5 of Title 2, may issue rules to implement the provisions of this part.
(Oct. 1, 2002, D.C. Law 14-190, § 1505, 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-190, see notes following § 4-204.11.

§ 4-204.16. APPLICABILITY.

This part shall apply as of October 1, 2002.

(Oct. 1, 2002, D.C. Law 14-190, § 1506, 49 DCR 6968; Mar. 13, 2004, D.C. Law 15-105, § 30(b), 51 DCR 881.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-105 validated a previously made technical correction.

Legislative History of Laws

For Law 14-190, see notes following § 4-204.11.

For Law 15-105, see notes following § 4-204.08.

PART C. MEDICAID AND SPECIAL EDUCATION REFORM FUND.

§ 4-204.51. SHORT TITLE.

This part may be cited as the "Medicaid and Special Education Reform Fund Establishment Act of 2002".
(Oct. 1, 2002, D.C. Law 14-190, § 1551, 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 14-190, the "Fiscal Year 2003 Budget Support Act of 2002", was introduced in Council and assigned Bill No. 14-609, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 7, 2002, and June 4, 2002, respectively. Signed by the Mayor on July 3, 2002, it was assigned Act No. 14-403 and transmitted to both Houses of Congress for its review. D.C. Law 14-190 became effective on October 1, 2002.

Miscellaneous Notes

Section 1506 of D.C. Law 14-190 provides that this part shall apply as of October 1, 2002.

§ 4-204.52. DEFINITIONS.

For the purposes of this part, the term:

(1) "District" shall mean the District of Columbia.

(1A) "Foster care and adoption assistance" means the programs authorized by Part E of Title IV of the Social Security Act, approved June 17, 1980 (94 Stat. 501; 42 U.S.C. § 670 *et seq.*).

(2) "Fund" shall mean the Medicaid and Special Education Reform Fund established by § 4-204.53

(3) "Medicaid" means the medical assistance programs authorized by title XIX of the Social Security

Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), or by § 1-307.02, and administered by the Department of Health.

(4) "Medicare" means the health insurance programs authorized by title XVIII of the Social Security Act, approved July 30, 1965 (79 Stat. 290; 42 U.S.C. § 1395 *et seq.*).

(5) "Special Education" means services provided under § 38-2501 to students who are classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1401(a)(1)), or in section 7(8) of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 359; 29 U.S.C. § 706(8)).

(Oct. 1, 2002, D.C. Law 14-190, § 1552, 49 DCR 6968; Nov. 13, 2003, D.C. Law 15-39, § 1503(a), 50 DCR 5668.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-39, added pars. (1A), (4), and (5); and in par. (3), substituted "or by" for "and by".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1503(a) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 1503(a) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

Legislative History of Laws

For Law 14-190, see notes following § 4-204.51.

For Law 15-39, see notes following § 4-204.11.

§ 4-204.53. ESTABLISHMENT OF THE MEDICAID AND SPECIAL EDUCATION REFORM FUND.

(a) There is established as a nonlapsing, revolving fund the Medicaid and Special Education Reform Fund into which shall be deposited funds made available for the purposes of Medicaid, Medicare, Foster Care and Adoption Assistance, and Special Education reform described in § 4-204.54. The Fund shall be administered by the Chief Financial Officer.

(b) All amounts deposited in the Fund shall be appropriated without fiscal year limitation pursuant to an act of Congress. All amounts deposited in the Fund shall not revert to the General Fund at the end of any fiscal year or at any other time, but shall be continually available for the purposes of Medicaid, Medicare, Foster Care and Adoption Assistance, and Special Education reform described in § 4-204.54, subject to authorization by Congress in an appropriations act.

(Oct. 1, 2002, D.C. Law 14-190, § 1553, 49 DCR 6968; Nov. 13, 2003, D.C. Law 15-39, § 1503(b), 50 DCR 5668.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-39, in subsecs. (a) and (b), substituted "Medicaid, Medicare, Foster Care and Adoption Assistance, and Special Education reform" for "Medicaid and Special Education reform".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1503(b) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 1503(b) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

Legislative History of Laws

For Law 14-190, see notes following § 4-204.51.

For Law 15-39, see notes following § 4-204.11.

Miscellaneous Notes

Short title: Section 5141 of D.C. Law 19-168 provided that subtitle O of title V of the act may be cited as "South Capitol Street Memorial Amendment Act Funding Designation Act of 2012".

Section 5142 of D.C. Law 19-168 provides:

"Sec. 5142. (a) Beginning on June 1, 2012, unspent funds from Medicaid under-enrollment, calculated on a fiscal year basis, shall be set aside in a fund to offset the costs to implement the South Capitol Street Memorial Amendment Act of 2012 effective June 7, 2012 (D.C. Law 19-141; 59 DCR 3083) ('South Capitol Street Memorial Amendment Act').

"(b) This section shall not apply if the South Capitol Street Memorial Amendment Act is fully funded, as certified by the Chief Financial Officer, either by the terms of this section or pursuant to section 10002(3) of the Revised Revenue Estimate Contingency Priority List Act of 2012, passed on 2nd reading on June 5, 2012 9enrolled version of Bill 19-7430."

§ 4-204.54. PURPOSES OF THE FUND.

The Fund shall be used for the following purposes:

- (1) Ensuring adequate resources are available to support District-wide Medicaid costs and revenue shortfalls;
- (1A) Ensuring adequate resources are available to support District-wide Medicare costs and revenue shortfalls;
- (1B) Ensuring adequate resources are available to support District-wide Foster Care and Adoption Assistance costs and revenue shortfalls;
- (2) Ensuring adequate resources are available to support District-wide Special Education costs and revenue shortfalls;
- (3) Supporting Medicaid, Medicare, and Foster Care and Adoption Assistance reform activities designed to establish cost-effective, agency-based Medicaid, Medicare, and Foster Care and Adoption Assistance operations; and
- (4) Optimizing Medicaid, Medicare, Foster Care and Adoption Assistance and other third-party revenues.

(Oct. 1, 2002, D.C. Law 14-190, § 1554, 49 DCR 6968; Nov. 13, 2003, D.C. Law 15-39, § 1503(c), 50 DCR 5668.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-39, in the introductory language, substituted "The Fund shall be used for the following purposes:" for "The purposes of the Fund shall include:"; added pars. (1A) and (1B); in par. (3), substituted "Medicaid, Medicare, and Foster Care and Adoption Assistance" for "Medicaid" in two places; and in par. (4), substituted "Medicaid, Medicare, Foster Care and Adoption Assistance" for "Medicaid".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1503(c) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 1503(c) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

For temporary (90 day) addition of section, see § 5142 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of section, see § 5142 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

Legislative History of Laws

For Law 14-190, see notes following § 4-204.51.

For Law 15-39, see notes following § 4-204.11.

§ 4-204.55. DISTRIBUTION OF FUNDS.

(a) The Chief Financial Officer shall distribute funds from the Fund only after:

- (1) Certifying that the funds are needed by the District of Columbia Public Schools, the Child and Family Services Agency, the Department of Human Services, the Department of Mental Health, or the Department of Health for the purposes described in § 4-204.54;
- (2)(A) Certifying either that:
 - (i) A savings plan to be submitted by the Director of the Office of Medicaid Operations Reform to the Mayor will generate savings for the Child and Family Services Agency, the Department of

Human Services, the Department of Mental Health, or the Department of Health, respectively, comparable to the funds to be allocated to the agency during Fiscal Year 2003 or Fiscal Year 2004; or

(ii) If a savings plan that will generate savings comparable to the funds allocated is not possible, a performance plan to be submitted by the Director of the Office of Medicaid Operations Reform to the Mayor will ensure that the agency to which the requested funds are to be allocated will implement policies and procedures and develop the infrastructure necessary to enable the agency to reduce costs and maximize third-party revenues by no later than October 1, 2004; or

(B) Certifying that a savings plan to be submitted by the District of Columbia Public Schools will generate savings comparable to the funds allocated to the agency during Fiscal Year 2003 or Fiscal Year 2004; and

(3) Providing notification of the distribution to the Mayor and Council.

(a-1) A savings plan required under subsection (a)(2)(A)(i) of this section that pertains to the allocation of funds to an agency in Fiscal Year 2003 shall be submitted no later than December 31, 2002. The plan shall commence no later than October 1, 2003, and shall generate savings comparable to the funds allocated to the agency from the Fund in Fiscal Year 2003.

(a-2) A savings plan required under subsection (a)(2)(A)(i) of this section that pertains to the allocation of funds to an agency in Fiscal Year 2004 shall be submitted no later than December 31, 2003. The plan shall commence no later than October 1, 2004, and shall generate savings comparable to the funds allocated to the agency from the Fund in Fiscal Year 2004.

(a-3) A performance plan required under subsection (a)(2)(A)(ii) of this section shall be submitted no later than December 31, 2003, and shall commence no later than October 1, 2004.

(a-4) The savings plan required under subsection (a)(2)(B) of this section that pertains to the allocation of funds to the District of Columbia Public Schools in Fiscal Year 2003 shall be submitted, no later than December 31, 2002, by the District of Columbia Public Schools to the Special Education Task Force established by Chapter 25A of Title 38. The plan shall commence no later than October 1, 2003, and generate savings comparable to the funds allocated to the agency from the Fund in Fiscal Year 2003.

(a-5) The savings plan required under subsection (a)(2)(B) of this section that pertains to the allocation of funds to the District of Columbia Public Schools in Fiscal Year 2004 shall be submitted, no later than December 31, 2003, by the District of Columbia Public Schools to the Special Education Task Force established by Chapter 25A of Title 38. The plan shall commence no later than October 1, 2004, and generate savings comparable to the funds allocated to the agency from the Fund in Fiscal Year 2004.

(a-6) Beginning 3 months following the commencement of any plan submitted pursuant to subsection (a)(2) of this section, or no later than January 2, 2004, the Mayor and the Special Education Task Force shall provide the Council with quarterly reports on the progress made by the Department of Human Services, the Child and Family Services Agency, the Department of Mental Health, the Department of Health, and the District of Columbia Public Schools, in reducing costs associated with the Medicaid, Medicare, Foster Care and Adoption Assistance, and Special Education programs.

(b) Total distribution of funds from the Fund to the District of Columbia Public Schools, the Child and Family Services Agency, the Department of Human Services, the Department of Mental Health, or the Department of Health in any given fiscal year shall not exceed the amount appropriated for that agency in that fiscal year for the purposes of § 7-1811.03(b).

(Oct. 1, 2002, D.C. Law 14-190, § 1555, 49 DCR 6968; Nov. 13, 2003, D.C. Law 15-39, § 1503(d), 50 DCR 5668; Apr. 13, 2005, D.C. Law 15-354, §§ 12, 84(g), 52 DCR 2638.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-39, in subsec. (a), substituted "the Department of Human Services, the Department of Mental Health, or the Department of Health" for "or the Department of Human Services" in par. (1), and rewrote par. (2); added subsecs. (a-1), (a-2), (a-3), (a-4), (a-5), and (a-6); and in subsec. (b), substituted "the Department of Human Services, the Department of Mental Health, or the Department of Health" for "or the Department of Human Services". Prior to amendment, par. (2) of subsec. (a) had read as follows:

"(2) Certifying that a savings plan to be submitted by the Director of the Office of Medicaid Public Provider Operations Reform to the Mayor in accordance with § 7-1811.03(b)(5)(A)(i), will generate savings comparable to the funds allocated; and"

D.C. Law 15-354, in subsecs. (a-4) and (a-5), validated previously made technical corrections.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1503(d) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 1503(d) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

Legislative History of Laws

For Law 14-190, see notes following § 4-204.51.

For Law 15-39, see notes following § 4-204.11.

Law 15-354, the "Technical Amendments Act of 2004", was introduced in Council and assigned Bill No. 15-1130 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on February 9, 2005, it was assigned Act No. 15-770 and transmitted to both Houses of Congress for its review. D.C. Law 15-354 became effective on April 13, 2005.

§ 4-204.56. ANNUAL REPORT.

The Mayor shall report annually to the Council on the revenues and activities of the Fund.

(Oct. 1, 2002, D.C. Law 14-190, § 1556, 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-190, see notes following § 4-204.51.

PART D. NURSING FACILITIES MEDICAID REIMBURSEMENT.

§ 4-204.61. DEFINITIONS.

For the purposes of this part, the term:

(1) "Case mix reimbursement methodology" means a prospective Medicaid payment rate system for nursing facilities that includes:

- (A) A point-of-sale prescription system;
- (B) A resident classification system based on resident acuity and needs; and
- (C) The following 3 peer groupings for rate purposes:
 - (i) All freestanding nursing facilities, except those owned by the District of Columbia;
 - (ii) All hospital-based nursing facilities; and
 - (iii) All nursing facilities owned by the District of Columbia.

(2) "Medicaid" means the medical assistance programs authorized by title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), and by § 1-307.02, and administered by the Department of Health.

(3) "Nursing facility" means a health care facility as defined in § 44- 501(a)(3), but does not include a health care facility operated by the federal government.

(Dec. 7, 2004, D.C. Law 15-205, § 5211, 51 DCR 8441; Mar. 2, 2007, D.C. Law 16-191, § 19, 53 DCR 6794.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-191, in par. (3), validated a previously made technical correction.

Emergency Act Amendments

For temporary (90 day) addition, see § 5211 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) addition, see § 5211 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

Legislative History of Laws

Law 15-205, the "Fiscal Year 2005 Budget Support Act of 2004", was introduced in Council and assigned Bill No. 15-768, which was referred to the Committee of the Whole. The Bill was adopted on first and second

readings on May 14, 2004, and June 29, 2004, respectively. Signed by the Mayor on August 2, 2004, it was assigned Act No. 15-487 and transmitted to both Houses of Congress for its review. D.C. Law 15-205 became effective on December 7, 2004.

Law 16-191, the "Technical Amendments Act of 2006", was introduced in Council and assigned Bill No. 16-760, which was referred to the Committee of the whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 31, 2006, it was assigned Act No. 16-475 and transmitted to both Houses of Congress for its review. D.C. Law 16-191 became effective on March 2, 2007.

§ 4-204.62. MEDICAID REIMBURSEMENT SYSTEM FOR NURSING FACILITIES.

(a) The Department of Health shall develop and implement a case mix reimbursement methodology for nursing facilities. The case mix reimbursement methodology shall be effective no earlier than April 1, 2005.

(b) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement this section.

(Dec. 7, 2004, D.C. Law 15-205, § 5212, 51 DCR 8441.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 5212 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) addition, see § 5212 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

Legislative History of Laws

For Law 15-205, see notes following § 4-204.61.

SUBCHAPTER V. PUBLIC ASSISTANCE PROGRAMS.

§ 4-205.01. ELIGIBILITY FOR PUBLIC ASSISTANCE.

Public assistance may be awarded to, or on behalf of, any needy individual who is eligible for one of the categories of public assistance established by subchapter II.

(Apr. 6, 1982, D.C. Law 4-101, § 501, 29 DCR 1060; Oct. 27, 1995, D.C. Law 11-72, § 201(a), 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 2(h), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.1.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(d) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(d) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(h) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(d) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(d) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(d) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(h) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(h) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(h) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act

12-552, December 24, 1998, 46 DCR 521), and § 2(h) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 11-72, see Historical and Statutory Notes following § 4-205.61.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Delegation of Authority

Delegation of authority pursuant to D.C. Law 12-372, the "Self-Sufficiency Promotion Emergency Amendment Act of 1998", see Mayor's Order 98-143, August 25, 1998 (45 DCR 6596).

Miscellaneous Notes

Expiration of Law 11-72: Section 401 of D.C. Law 11-72 provided that the act shall expire 5 years from the date of implementation of an approved federal waiver and rules promulgated by the Mayor.

Entitlement to public assistance: Section 10 of D.C. Law 9-271 provided that notwithstanding subchapter V of Chapter 2 of Title 4, medical and geriatric parolees shall be entitled to general public assistance pending their application for eligibility.

§ 4-205.02. RESIDENCY REQUIREMENT.

The Mayor in determining eligibility for a person to receive TANF, GAC, and Emergency Shelter Family Services benefits shall not impose, as a condition of eligibility, any residence requirement which excludes any individual who resides in the District.

(Apr. 6, 1982, D.C. Law 4-101, § 502, 29 DCR 1060; Aug. 17, 1991, D.C. Law 9-27, § 2(c), 38 DCR 4205; Feb. 5, 1994, D.C. Law 10-68, § 10(b), 40 DCR 6311; Mar. 20, 1998, D.C. Law 12-60, § 701(e), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(i), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.2.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 101(c) of Omnibus Budget Support Temporary Act of 1991 (D.C. Law 9-19, June 21, 1991, law notification 38 DCR 5786).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(x) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12- 21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) amendment of section, see § 701(e) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(i) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 101(c) of the Omnibus Budget Support Emergency Act of 1991 (D.C. Act 9-37, May 17, 1991, 38 DCR 3390).

For temporary amendment of section, see § 101(c) of the Omnibus Budget Support Congressional Recess Emergency Act of 1991 (D.C. Act 9-69, July 24, 1991, 38 DCR 4945).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778).

For temporary amendment of section, see § 2(e) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 701(e) of the Fiscal Year 1998 Revised Budget Support

Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(i) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(i) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(i) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(i) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 9-27, see Historical and Statutory Notes following § 4-205.05a.

For legislative history of D.C. Law 10-68, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 4-205.03. DETERMINATION OF RESIDENCY.

(a) A resident of the District of Columbia is one who is living in the District of Columbia voluntarily and not for a temporary purpose; that is, one with no intention of presently removing himself or herself therefrom. A child is residing in the District if he or she is making his or her home in the District.

(b) Temporary absence from the District, with subsequent returns to the District, or intent to return when the purposes of the absence have been accomplished, shall not interrupt continuity of residence.

(c) Residence as defined for eligibility purposes shall not depend upon the reason for which the individual entered the District, except insofar as it may bear on whether he is there for a temporary purpose.

(Apr. 6, 1982, D.C. Law 4-101, § 503, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.3.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.04. RELOCATION OF RECIPIENTS TO ANOTHER JURISDICTION.

Recipients of assistance from the District who move to another jurisdiction with intent to remain in that State shall be ineligible to receive assistance from the District immediately upon the date of the recipient's last day of residency in the District of Columbia.

(Apr. 6, 1982, D.C. Law 4-101, § 504, 29 DCR 1060; Oct. 27, 1995, D.C. Law 11-72, § 201(b), 42 DCR 4728; Apr. 18, 1996, D.C. Law 11-110, § 64, 43 DCR 530.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.4.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 11-72, see Historical and Statutory Notes following § 4-205.61.

For legislative history of D.C. Law 11-110, see Historical and Statutory Notes following § 4-205.11.

Miscellaneous Notes

Expiration of Law 11-72: See note to § 4-205.01.

§ 4-205.05. DEFINITIONS.

For the purpose of this subchapter, the term:

(1) "Earned income" means income in cash or in kind produced as a result of the performance of services currently rendered by an individual. In the case of an applicant or recipient of TANF, the term "earned income" shall not include the amount of earned income credit payments actually received.

(2) "Family" means the total applicant or assistance unit.

(3) "Gross income" means total earned income before any deductions required by law.

(4) "Income" means earned or unearned money received by an individual that is of gain or benefit to the individual or assistance unit. The term "income" includes the following: wages; salary; gross income from self-employment; training allowances, stipends or other payments for work experience (to the extent that they are countable as income pursuant to § 4-205.13a); District public assistance payments; federal public assistance payments (to the extent permitted under federal law); pensions; retirement benefits; annuities; unemployment compensation; worker's compensation; child support or alimony payments made directly to a member of the assistance unit from someone who is not a member of the assistance unit; interest; dividends; scholarships; rent received from a tenant or lessee; and money that is required by District or federal law to be deemed from a person who is not a member of the assistance unit. The term "income" does not include: a non-recurring lump-sum payment (which shall be considered a resource); payments made by a government agency to a third party for child care, housing, or medical assistance; a relocation payment under § 42-2851.05; or any payment that is specifically excluded by federal or District law from consideration as income for the purpose of determining eligibility for public assistance.

(5) "Mandatory deductions" means those deductions required by law or as a condition of employment.

(Apr. 6, 1982, D.C. Law 4-101, § 505, 29 DCR 1060; Mar. 14, 1985, D.C. Law 5-150, § 2(a), 31 DCR 6425; Sept. 10, 1985, D.C. Law 6-35, § 2(b), 32 DCR 3778; Mar. 15, 1990, D.C. Law 8-86, § 2(a), 37 DCR 48; Apr. 20, 1999, D.C. Law 12-241, § 2(j), 46 DCR 905; Apr. 19, 2002, D.C. Law 14-114, § 292(b), 49 DCR 1468.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 14-114, in par. (4), substituted "payments made by a government agency to a third party for child care, housing, or medical assistance; a relocation payment under § 42-2851.05;" for "payments made by a government agency to a third party for child care, housing, or medical assistance;".

Prior Codifications

1981 Ed., § 3-205.5.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(j) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(j) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(j) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(j) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(j) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

Law 5-150, the "District of Columbia Public Assistance Act of 1982 Temporary Amendments Act of 1984,"

was introduced in Council and assigned Bill No. 5-530, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on October 23, 1984, and November 7, 1984, respectively. Signed by the Mayor on November 29, 1984, it was assigned Act No. 5-214 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 6-35, see Historical and Statutory Notes following § 4-202.05.

Law 8-67, the "District of Columbia Public Assistance Act of 1982 Conforming Amendments Amendment Temporary Act of 1989," was introduced in Council and assigned Bill No. 8-390, which was retained by Council. The Bill was adopted on first and second readings on September 26, 1989, and October 10, 1989, respectively. Signed by the Mayor on October 27, 1989, it was assigned Act No. 8-102 and transmitted to both Houses of Congress for its review.

Law 8-86, the "District of Columbia Public Assistance Act of 1982 Conforming Amendments Amendment Act of 1989," was introduced in Council and assigned Bill No. 8-391, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 21, 1989, and December 5, 1989, respectively. Signed by the Mayor on December 21, 1989, it was assigned Act No. 8-136 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Law 14-114, the "Housing Act of 2002", was introduced in Council and assigned Bill No. 14-183, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on December 4, 2001, and January 8, 2002, respectively. Signed by the Mayor on February 6, 2002, it was assigned Act No. 14-267 and transmitted to both Houses of Congress for its review. D.C. Law 14-114 became effective on April 19, 2002.

§ 4-205.05A. GENERAL ASSISTANCE FOR CHILDREN PROGRAM.

(a) A General Assistance for Children program is established to provide the same benefits for a child as the child would receive under TANF if the child's caretaker could demonstrate a family relationship with the child that is required in the TANF program. The needs of a caretaker shall not be considered when determining of an assistance unit's GAC benefits. A caretaker of a child receiving GAC shall not be considered a GAC recipient, or a member of the GAC assistance unit, even if the caretaker receives the payment on the child's behalf.

(b) In order to be eligible for GAC assistance benefits an applicant must pursue all available federal benefits prior to approval of GAC benefits.

(c) All provisions of this chapter that apply to determinations of eligibility for and payments of TANF shall apply to determinations of eligibility for and payments of GAC, except that:

(1) The income, assets, and resources of the caretaker shall not be considered in determining eligibility of the assistance unit for GAC; and

(2) An assistance unit headed by a minor shall be ineligible to receive GAC.

(c-1)(1) GAC benefits shall only be provided for a child if the child's caretaker can produce authorization from the child's legally responsible relative or a court of competent jurisdiction designating the applicant as the temporary or permanent caretaker for the child, to the extent such authorization is reasonably obtainable by the caretaker. The Mayor shall specify what constitutes a valid authorization, but shall not require as a condition of eligibility that any specific court action is required concerning the care of the child.

(2) Where authorization from the child's legally responsible relative is not reasonably obtainable by the caretaker, the caretaker may offer other proof of a custodial relationship between the caretaker and the child. Proof may include, but is not limited to, leases indicating that the child lives with the caretaker, medical records, or school records bearing the caretaker's signature or affidavits from teachers, social workers, medical staff, or other professionals involved in the family's life.

(d) Repealed.

(e) The earnings of a GAC program child who is a full-time student and who is employed full-time or part-time, or who is a part-time student and who is employed part-time, shall be disregarded.

(f) The following amounts shall be disregarded from the gross monthly earnings of a GAC program child who is a part-time student and employed full-time: The first \$7.50, mandatory payroll deductions, and the cost of producing income, as determined by rule by the Mayor.

(g) If the source of income is other than that provided for in subsection (d), (e), or (f) of this section, no more than \$7.50 shall be disregarded.

(h) The Mayor shall issue rules to implement this section in accordance with subchapter I of Chapter 5 of Title 2.

(Apr. 6, 1982, D.C. Law 4-101, § 505a, as added Aug. 17, 1991, D.C. Law 9-27, § 2(d), 38 DCR 4205; Feb.

5, 1994, D.C. Law 10-68, § 10(c), 40 DCR 6311; Apr. 20, 1999, D.C. Law 12-241, § 3, 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.5a.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 101(d) of Omnibus Budget Support Temporary Act of 1991 (D.C. Law 9-19, June 21, 1991, law notification 38 DCR 5786).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 3 of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 3 of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 101(d) of the Omnibus Budget Support Emergency Act of 1991 (D.C. Act 9-37, May 17, 1991, 38 DCR 3390).

For temporary amendment of section, see § 101(d) of the Omnibus Budget Support Congressional Recess Emergency Act of 1991 (D.C. Act 9-69, July 24, 1991, 38 DCR 4945).

For temporary amendment of section, see § 3 of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 3 of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 3 of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 3 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 3 of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 3 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 3 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

Law 9-27, the "Public Assistance Act of 1982 Budget Conformity Amendment of 1991," was introduced in Council and assigned Bill No. 9-159, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 4, 1991, and June 18, 1991, respectively. Signed by the Mayor on July 2, 1991, it was assigned Act No. 9-54 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 10-68, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.06. OLD AGE ASSISTANCE AND AID TO THE PERMANENTLY AND TOTALLY DISABLED NEED DETERMINATION.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 506, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(k), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.6.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(k) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 2(k) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(k) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(k) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552,

December 24, 1998, 46 DCR 521), and § 2(k) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.07. AID TO THE BLIND NEED DETERMINATION.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 507, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(k), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.7.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(k) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 2(k) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(k) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(k) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(k) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.08. GPA NEED DETERMINATION.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 508, 29 DCR 1060; March 20, 1998, D.C. Law 12-60, § 701(f), 44 DCR 7378.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.8.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(f) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12- 21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) repeal of section, see § 701(f) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

Legislative History of Laws

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 4-205.09. AB AND ATD SELF-SUPPORTING PLANS.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 509, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(k), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.9.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(k) of Self-Sufficiency Promotion Temporary Amendment

Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 2(k) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(k) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(k) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(k) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.10. TANF INCOME ELIGIBILITY STANDARDS.

(a) When the gross income of family applying for, or receiving TANF exceeds 100% of the standard of assistance for a family of the same composition, as set forth in § 4-205.52, the family is not eligible for assistance. Income deemed from stepparents shall be counted in gross family income to the extent permitted pursuant to § 4-205.22. Income deemed from an alien sponsor shall be counted in gross family income to the extent required by § 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2105; 8 U.S.C. § 1631). Payments to correct underpayments to TANF or POWER recipients are not considered income or as a resource either in the month the payment is made or in the following month.

(b) If the gross income, computed pursuant to subsection (a) of this section, is 100% or less of the standard of assistance, financial conditions of eligibility shall be calculated in accordance with § 4-205.11, 4-205.29, 4-205.33(b), and 4-217.05.

(Apr. 6, 1982, D.C. Law 4-101, § 510, 29 DCR 1060; Mar. 14, 1985, D.C. Law 5-150, § 2(b), 31 DCR 6425; Sept. 10, 1985, D.C. Law 6-35, § 2(c), 32 DCR 3778; Apr. 20, 1999, D.C. Law 12-241, § 2(l), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.10.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(l) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(l) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(l) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(l) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(l) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 5-150, see Historical and Statutory Notes following § 4-205.05.

For legislative history of D.C. Law 6-35, see Historical and Statutory Notes following § 4-202.05.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.11. TANF NEED DETERMINATION.

(a) In determining the need of families who are applying for or receiving TANF:

(1) Deduct such amount for a work-related expense as the Mayor shall specify through rulemaking. If the individual is self-employed, work expenses directly related to producing the goods or services, and without which the goods or services could not be produced, shall be excluded from the gross earned income total;

(2) Deduct the cost of care of each dependent child, or care of an incapacitated adult living in the same home and receiving TANF or POWER, up to a maximum amount that the Mayor shall specify through rulemaking. The maximum amount deductible for the cost of care of a child may vary depending upon the age of the child;

(3) For initial applicants, determine whether the monthly income, after disregards allowed under paragraph (1) or (2) of this section, exceeds the standard of assistance. If so, the family is ineligible for assistance;

(4) Disregard all of the monthly gross earned income of each child receiving TANF if the child is a full-time student, or is a part-time student provided he is not employed full time. A part-time student must have a school schedule that is equal to at least one half of a full-time curriculum;

(4A)(A) For individuals otherwise found eligible to receive TANF, disregard from the individual's earned income a specific dollar amount and/or a percentage of the earned income. The Mayor shall establish, through rulemaking, the amount and/or percentage of earned income to be disregarded, the period of time during which any earned income may be disregarded, and other rules necessary to implement this provision. The rules shall reflect the District's interests in rewarding work, assisting needy families, and promoting self-sufficiency.

(B) To the extent permitted under federal law, in calculating the eligibility for Medicaid (other than Transitional Medicaid) of a child or a family with minor children, the Mayor shall disregard earned income to the same extent that earned income is disregarded under TANF. In calculating eligibility for Transitional Medicaid, subject to the approval of the U.S. Department of Health and Human Services ("HHS"), the Mayor shall disregard income for the first 12 months of Transitional Medicaid pursuant to the provisions established in § 1925(a) of the Social Security Act, approved October 13, 1988 (102 Stat. 2385; 42 U.S.C. § 1396r-6(a)), and shall disregard income for the second 12 months of Transitional Medicaid pursuant to the provisions established in § 1925(b) of the Social Security Act (42 U.S.C. § 1396r-6(b)). Absent approval by HHS, income shall be disregarded pursuant to applicable federal law.

(5) Repealed.

(5A) Disregard any federal earned income tax credit received;

(6) Income earned by any adult member of the assistance unit shall not be disregarded for any month in which the Department determines that such member:

(A) Within 60 days preceding such month, without good cause (as specified in rules established by the Mayor and adopted by the Council), terminated his or her employment, reduced his or her gross earned income, or refused a bona fide offer of employment;

(B) Voluntarily requested assistance be terminated for the sole purpose of evading any time limit placed on the disregarding of earned income that may be established by rule by the Mayor;

(C) Without good cause, failed to file the periodic report required for that period on time; or

(D) Failed to inform the Mayor, without good cause, about earnings affecting eligibility as required by § 4-205.53(a) or § 4-205.54. The penalty for this failure shall be applied until the recipient's next periodic report is filed and processed by the Mayor;

(7) Repealed;

(8) Beginning on October 1, 2005, disregard up to the first \$150 received per month by the assistance unit that represents a current monthly child support obligation or a voluntary child support payment from an absent parent or spouse; and

(9) Disregard any subsidy received under the program established by Chapter 2A of this title.

(b) The income and assets of a parent living in the same household as a dependent child, but not included in the assistance unit because the parent is ineligible for TANF, shall be considered available to the assistance unit to the extent that the income and assets of a deemed parent, as defined in § 4-205.22, would be considered available to the assistance unit. The income of a stepparent of the dependent child shall be considered available to the assistance unit to the extent required under § 4-205.22. In the case of a dependent child whose parent is a minor, the income of the minor parent's own parent or legal guardian living in the same household as the minor parent and the minor parent's dependent child shall be considered available to the extent required under § 4-205.22.

Sept. 10, 1985, D.C. Law 6-35, § 2(d), 32 DCR 3778; Mar. 15, 1990, D.C. Law 8-86, § 2(b), 37 DCR 48; Oct. 27, 1995, D.C. Law 11-72, § 201(c), 42 DCR 4728; Apr. 18, 1996, D.C. Law 11- 110, § 9(a), 43 DCR 530; Apr. 9, 1997, D.C. Law 11-255, § 8(a), 44 DCR; Apr. 17, 1999, D.C. Law 12-241, § 2(m), 46 DCR 905; Oct. 20, 2005, D.C. Law 16-33, § 5032(a), 52 DCR 7503; Mar. 8, 2006, D.C. Law 16-69, § 201, 53 DCR 54; Mar. 2, 2007, D.C. Law 16-191, § 91(a), 53 DCR 6794.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.11.

Effect of Amendments

D.C. Law 16-33, in subsec. (a)(5A), deleted "and" at end of subsec.; in subsec. (a)(6)(D), substituted "; and" for period at end of subsec.; and added subsec. (a)(8).

D.C. Law 16-69, in subsec. (a)(6)(D), deleted 'and" from the end; in subsec. (a)(8), substituted "; and" for a period; and added subsec. (a)(9).

D.C. Law 16-191, in the section heading, substituted "TANF" for "AFDC".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(e), (x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(e), (x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(m) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(e) and (x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778); § 2(e) and (x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 2(e) and (x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12- 306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(m) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(m) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(m) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(m) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary (90 day) amendment of section, see §§ 5032(a), 5033 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

For temporary (90 day) amendment of section, see § 201 of Grandparent Caregivers Pilot Program Establishment Emergency Act of 2006 (D.C. Act 16-278, February 22, 2006, 53 DCR 1459).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 5-150, see Historical and Statutory Notes following § 4-205.05.

For legislative history of D.C. Law 6-35, see Historical and Statutory Notes following § 4-202.05.

For legislative history of D.C. Law 8-67, see Historical and Statutory Notes following § 4-205.05.

For legislative history of D.C. Law 8-86, see Historical and Statutory Notes following § 4-205.05.

For legislative history of D.C. Law 11-72, see Historical and Statutory Notes following § 4-205.06.

Law 11-110, the "Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-485, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 26, 1996, it was assigned Act No. 11-199 and transmitted to both Houses of Congress for its review. D.C. Law 11-110 became effective on April 18, 1996.

Law 11-255, the "Second Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-905, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-519 and transmitted to both Houses of Congress for its review. D.C. Law 11-255 became effective on April 9, 1997.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Law 16-33, the "Fiscal Year 2006 Budget Support Act of 2005", was introduced in Council and assigned Bill No. 16-200 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 10, 2005, and June 21, 2005, respectively. Signed by the Mayor on July 26, 2005, it was assigned Act No. 16-166 and transmitted to both Houses of Congress for its review. D.C. Law 16-33 became effective on October 20, 2005.

For Law 16-69, see notes following § 4-251.01.

For Law 16-191, see notes following § 4-204.61.

Miscellaneous Notes

Expiration of Law 11-72: See note to § 4-205.01.

Short title of subtitle D of title V of Law 16-33: Section 5031 of D.C. Law 16-33 provided that subtitle D of title V of the act may be cited as the Child Support Pass-through Establishment Amendment Act of 2005.

Section 5033 of D.C. Law 16-33 provides:

"Sec. 5033. Applicability.

"This subtitle shall apply as of April 1, 2006."

§ 4-205.11A. TIME LIMIT FOR RECEIPT OF TANF BENEFITS.

(a) Federally-funded TANF benefits shall not be provided to any assistance unit that includes an adult who has received federally-funded TANF benefits for 60 months (whether or not consecutive) after February 28, 1997.

(b) In determining the number of months during which an individual has received federally-funded TANF benefits, the District shall disregard any month for which TANF benefits were provided with respect to the individual when the individual was:

(1) A minor child; and

(2) Not the head of an assistance unit or married to the head of an assistance unit.

(c) For purposes of this section, a TANF recipient shall not be considered to have been provided benefits in any month in which the recipient did not actually receive TANF benefits, pursuant to § 4-205.51, because the benefit check prior to adjustments would have been less than \$10.

(d) In determining the number of months during which an adult has received federally funded TANF benefits, any month shall be disregarded if during that month the adult lived in Indian country (as defined in 18 U.S.C. § 1151) or in an Alaskan Native village, if the most reliable data available with respect to the month or a period that includes the month indicate that at least 50% of the adults living in Indian country or in the Alaskan Native village were not employed.

(e) The Mayor may exempt an assistance unit from the requirements of subsection (a) of this section by reason of hardship or if the assistance unit includes an individual who has been battered or subject to extreme cruelty. For purposes of this subsection, an individual has been battered or subject to extreme cruelty if that individual has been subjected to:

(1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;

(2) Sexual abuse;

(3) Sexual activity involving a dependent child;

(4) Forced engagement in nonconsensual sexual acts or activities;

(5) Threats of, or attempts at, physical or sexual abuse;

(6) Mental abuse; or

(7) Neglect or deprivation of medical care.

(f) A monthly average of no more than 20% of the average monthly number of assistance units for which federally-funded TANF benefits are provided during the current fiscal year or the prior fiscal year (as the Mayor may elect) may be exempt under subsection (e) of this section.

(Apr. 6, 1982, D.C. Law 4-101, § 511a, as added Apr. 20, 1999, D.C. Law 12-241, § 2(n), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.11a.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 2(f) of Public Assistance Temporary Amendment Act of

1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) addition of section, see § 2(f) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(n) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary addition of section, see § 2(f) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 2(f) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), § 2(f) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-306, March 20, 1998, 44 DCR 1900).

For temporary addition of section, see § 2(n) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(n) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(n) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(n) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.11B. REDUCTION OF BENEFITS FOR LONG-TERM TANF RECIPIENTS.

(a) Except as provided in subsections (b) and (c) of this section, an individual who has received federally funded or locally funded TANF benefits in the District for more than 60 months, whether or not consecutive, shall receive a reduction in his or her maximum benefit in accordance with § 4-205.52 and as set forth in rules issued pursuant to § 4-202.05(d) and § 4-205.52(d).

(b) In determining the number of months that an individual has received TANF benefits, the District shall not count any month that the individual is a minor who is:

(1) Not the head of household; and

(2)(A) Not the head of an assistance unit; or

(B) Married to the head of an assistance unit.

(c)(1) Beginning October 1, 2012, TANF benefits may be extended beyond the 60- month limit for an individual on a hardship basis.

(2) For the purposes of this subsection, the term "hardship" means:

(A) The individual is 60 years of age or older; or

(B) The individual is meeting the full requirements of his or her Individual Responsibility Plan and can show that he or she is enrolled in an accredited postsecondary education program or a Department of Employment Services approved job training program in which the TANF recipient is working towards the attainment of a degree, certificate, or official credential.

(d) An individual who qualifies for an extension pursuant to subsection (c)(1) of this section shall be limited to an extension of up to 24 months, in accordance with his or her Individual Responsibility Plan.

(e) Within 12 months of, but no less than 90 days before, the elimination of benefits pursuant to this section, a client shall have the opportunity to complete or update an Individual Responsibility Plan. Pursuant to the Individual Responsibility Plan, the Department shall assist the customer with accessing support for addressing barriers to employment and assist with the transition to employment.

(f) A TANF recipient whose TANF benefits are extended past the 60-month limit pursuant to subsection (c) of this section shall receive the level of public assistance payment for which he or she would be eligible if the recipient had not exceeded the 60-month limit.

(Apr. 6, 1982, D.C. Law 4-101, § 511b, as added Apr. 8, 2011, D.C. Law 18-370, § 522(b), 58 DCR 1008; Sept. 20, 2012, D.C. Law 19-168, § 5162(b), 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-168 rewrote the section, which formerly read:

"An individual who has received federally or locally funded TANF benefits in the District of Columbia for more than 60 months, whether or not consecutive, shall receive a reduction in his or her maximum benefit in

accordance with § 4-205.52 and as set forth in rules issued pursuant to § 4-202.05."

Emergency Act Amendments

For temporary (90 day) addition of section, see § 522(b) of Fiscal Year 2011 Supplemental Budget Support Emergency Act of 2010 (D.C. Act 18-694, January 19, 2011, 58 DCR 662).

Legislative History of Laws

For history of Law 18-370, see notes under § 4-202.05.

For history of Law 19-168, see notes under § 4-202.05.

§ 4-205.11C. HUMAN IMPACT STATEMENT.

Within 60 days of January 19, 2011, the Auditor shall conduct an assessment of the impact of reductions in assistance pursuant to this chapter on families and their children and issue a human impact statement, which shall include:

- (1) The number of families affected;
- (2) The number of children affected in the following age categories:
 - (A) Infant - 3 years old;
 - (B) 4 - 9 year olds;
 - (C) 10 - 13 years old; and
 - (D) 14 - 18 years old;
- (3) A sample of a least 35 families, including a consideration of the children regarding:
 - (A) Changes in school performance;
 - (B) Changes in after-school performance;
 - (C) Changes in health status; and
 - (D) New interactions with Court Social Services or Department of Youth Rehabilitative Services; and
- (4) The number of service providers providing training programs based on specific performance-based measures, including:
 - (A) A description of programs being offered; and
 - (B) The enrollment figures in each program.

(Apr. 6, 1982, D.C. Law 4-101, § 511c, as added Apr. 8, 2011, D.C. Law 18-370, § 522(b), 58 DCR 1008.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-370, see notes under § 4-202.05.

§ 4-205.12. FOOD STAMP COUPON ALLOTMENT DISREGARDED.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 512, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(o), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.12.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(o) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of §§ 4-205.12 and 4-205.13, see § 2(o) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(o) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(o) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(o) of the Self-Sufficiency Promotion

Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.13. ENUMERATED INCOME DISREGARDED.[REPEALED]

(Mar. 20, 1998, D.C. Law 12-60, § 701(g), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(p), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.13.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) repeal of section, see § 2(p) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 2(p) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(p) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(p) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(p) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.13A. TREATMENT OF PAYMENT FOR COSTS OF WORK PARTICIPATION.

A stipend, allowance, or any other payment to a public assistance recipient reimbursing the recipient for the reasonable costs of participation in a work activity (as described in § 4-205.19d(c)) shall be excluded from income only to the extent any such stipend, allowance, or other payment would be excluded from income under the Food Stamp Program pursuant to 7 U.S.C. § 2011 et seq. and 7 C.F.R. § 273.9(b) and (c).

(Apr. 6, 1982, D.C. Law 4-101, § 513a, as added Apr. 20, 1999, D.C. Law 12-241, § 2(q), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.13a.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 2(q) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary addition of section, see § 2(q) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(q) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(q) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(q) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.14. DETERMINATION OF GPA NEED STANDARD.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 514, 29 DCR 1060; March 20, 1998, D.C. Law 12-60, § 701(h), 44 DCR 7378.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.14.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(h) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12-21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) repeal of section, see § 2001(b) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

Legislative History of Laws

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 4-205.15. STANDARDS FOR INCLUSION IN TANF ASSISTANCE UNIT.

(a) An application on behalf of a dependent child shall include in the TANF assistance unit the following individuals, if living in the same household as the dependent child and otherwise eligible:

(1) The parent or parents of a dependent child, except that a parent who marries a person with whom the parent does not have any child in common may, at the parent's request, choose not to be included in the dependent child's assistance unit;

(1A) The step-parent of a dependent child, if there is a parent of the dependent child in the home who chooses to be included in the dependent child's assistance unit; and

(1B) Any dependent child of a step-parent who is included in a dependent step-child's assistance unit;

(2) All blood-related, half-blooded-related, and adopted brothers and sisters of the dependent child who are themselves dependent children under age 18 or age 18 and expected to complete high school before reaching age 19; and

(3) Repealed.

(b) For the purposes of subsection (a) of this section, the Mayor shall determine the meaning of the term "full-time student", shall determine which vocational or technical training courses are equivalent to the level of secondary school, and shall determine which factors will be considered in deciding whether an individual may reasonably be expected to complete the program of study or training before reaching age 19.

(c) In order to be included in an TANF assistance unit under this section, a dependent child aged 16 or 17 years must be enrolled in a program of secondary education or vocational or technical training.

(d) An application on behalf of a dependent child may include in the TANF assistance unit a caretaker relative other than a parent, provided that neither parent is living in the home and the caretaker relative requests to be included, meets each eligibility requirement, and lives in the same household as the dependent child.

(e) Individuals who are ineligible to receive TANF, and who shall be excluded from the TANF assistance unit during the period of ineligibility, shall include:

(1) An individual who receives SSI benefits;

(2) An alien who is ineligible for TANF as a result of the deeming of a sponsor's income and resources to the alien pursuant to § 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2105; 8 U.S.C. § 1631);

(3) An alien who is ineligible for TANF because the alien does not meet the citizenship and alienage requirements of § 4-205.24(a);

(4) An individual who is ineligible for TANF as the result of the imposition of a sanction; and

(5) An individual who is ineligible for TANF, pursuant to § 4-205.33, due to receipt of lump-sum income.

(6) Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 515, 29 DCR 1060; Mar. 14, 1985, D.C. Law 5-150, § 2(d), 31 DCR 6425; Sept. 10, 1985, D.C. Law 6-35, § 2(e), 32 DCR 3778; Sept. 26, 1995, D.C. Law 11-52, § 502(c), 42 DCR 3684; Apr. 17, 1999, D.C. Law 12-241, § 2(r), 46 DCR 905; Dec. 17, 2009, D.C. Law 18-94, § 2(b), 56 DCR 8521.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.15.

Effect of Amendments

D.C. Law 18-94, in subsec. (a), substituted "may, at the parent's request, choose not to" for "shall not" in par. (1), added pars. (1A) and (1B), and repealed par. (3); and, in subsec. (e), added "and" at the end of par. (4), substituted a period for "; and" at the end of par. (5), and repealed par. (6). Prior to repeal, subsecs. (a)(3) and (e)(6) read as follows:

"(3) All dependent children living in the same household who are related by blood, half-blood, or legal adoption to any other member of the assistance unit by a relationship that would qualify an adult as a caretaker relative of that other member of the assistance unit as defined in § 4-201.01(1C)."

"(6) A parent, or minor child, who marries a person with whom the parent, or minor child, does not have a child in common."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 502(c) of Multiyear Budget Spending Reduction and Support Temporary Act of 1995 (D.C. Law 10-253, March 23, 1995, law notification 42 DCR 1652).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(r) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 502(c) of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994 (D.C. Act 10-389, December 29, 1994, 42 DCR 197).

For temporary amendment of section, see § 502(c) of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(r) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(r) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(r) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(r) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary (90 day) amendment of section, see § 2(b) of Public Assistance Emergency Amendment Act of 2009 (D.C. Act 18-198, October 9, 2009, 56 DCR 8132).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 5-150, see Historical and Statutory Notes following § 4-205.05.

For legislative history of D.C. Law 6-35, see Historical and Statutory Notes following § 4-202.05.

For legislative history of D.C. Law 11-52, see Historical and Statutory Notes following § 4-204.06.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For Law 18-94, see notes following § 4-201.01.

§ 4-205.16. CONTRIBUTION GUIDELINES FOR NONASSISTANCE UNIT CHILDREN.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 516, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(s), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.16.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(s) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 2(s) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(s) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(s) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(s) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.17. DEFINITIONS.[REPEALED]

(Apr. 16, 1982, D.C. Law 4-101, § 517, 29 DCR 1060; Mar. 14, 1984, D.C. Law 5-53, § 2(a), 30 DCR 6278; Apr. 20, 1999, D.C. Law 12-241, § 2(t), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.17.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) repeal of section, see § 2(t) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 2(t) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(t) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(t) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(t) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.18. CHILD'S ELIGIBILITY.

(a) A needy child is eligible for TANF.

(b) Repealed.

(c) Repealed.

(d)(1) A minor child otherwise eligible for TANF benefits under this section, who has been, or is expected by a parent, guardian, or other caretaker to be absent from the home for more than 90 consecutive days shall be ineligible to receive TANF benefits unless the Mayor determines, in accordance with rules promulgated by the Mayor, that there is good cause for the child to be absent from the home for more than 90 days and continue to receive TANF benefits.

(2) A parent, guardian, or other caretaker of a minor child shall be determined ineligible to receive

TANF benefits if the parent, guardian, or caretaker fails to notify the Mayor of the absence of the child from the home after the 5-day period beginning with the date on which it becomes clear to the parent, guardian, or caretaker that the child will be absent from the home for more than 90 consecutive days.

(e) Nothing in this section shall be interpreted to preclude the Mayor from sanctioning any or all members of an assistance unit for failure to comply with TANF program rules, if such sanction is otherwise permitted under this chapter.

(Apr. 6, 1982, D.C. Law 4-101, § 518, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(u), 46 DCR 905; Dec. 17, 2009, D.C. Law 18-94, § 2(c), 56 DCR 8521; Apr. 8, 2011, D.C. Law 18-370, § 522(c), 58 DCR 1008.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.18.

Effect of Amendments

D.C. Law 18-94 rewrote subsec. (a) and repealed subsec. (b), which had read as follows:

"(a) An application on behalf of a dependent child shall include in the TANF assistance unit the following individuals, if living in the same household as the dependent child and otherwise eligible:

"(1) The parent or parents of a dependent child, except that a parent who marries a person with whom the parent does not have any child in common shall not be included in the dependent child's assistance unit;

"(2) All blood-related, half-blooded-related, and adopted brothers and sisters of the dependent child who are themselves dependent children under age 18 or age 18 and expected to complete high school before reaching age 19; and

"(3) All dependent children living in the same household who are related by blood, half-blood, or legal adoption to any other member of the assistance unit by a relationship that would qualify an adult as a caretaker relative of that other member of the assistance unit as defined in § 4-201.01(1C).

"(b) For the purposes of subsection (a) of this section, the Mayor shall determine the meaning of the term "full-time student", shall determine which vocational or technical training courses are equivalent to the level of secondary school, and shall determine which factors will be considered in deciding whether an individual may reasonably be expected to complete the program of study or training before reaching age 19."

D.C. Law 18-370, in subsec. (d), substituted "TANF" for federally-funded TANF".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(g) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(u) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(g) and (x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(g) and (x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(g) and (x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(u) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(u) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(u) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(u) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary (90 day) amendment of section, see § 2(c) of Public Assistance Emergency Amendment Act of 2009 (D.C. Act 18-198, October 9, 2009, 56 DCR 8132).

For temporary (90 day) amendment of section, see § 522(d) of Fiscal Year 2011 Supplemental Budget Support Emergency Act of 2010 (D.C. Act 18-694, January 19, 2011, 58 DCR 662).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For Law 18-94, see notes following § 4-201.01.

For history of Law 18-370, see notes under § 4-202.05.

§ 4-205.19. APPLICATION; ASSIGNMENT OF RIGHTS FOR CHILD SUPPORT.

(a) Application for public assistance shall be accepted from, or on behalf of, any person who believes himself or herself eligible for public assistance. The application shall be made in the manner and form prescribed by the Council, and shall contain such information as the Mayor shall require.

(b) As a condition of eligibility for public assistance, each applicant or recipient shall assign to the District any rights to support from any other person that the applicant or recipient may have in the applicant's or recipient's own behalf, or on behalf of any other family member for whom the applicant or recipient is applying for or is receiving assistance.

(c) The assignment referred to in subsection (b) of this section:

(1) Is effective as to both current and accrued child support obligations, except as limited by paragraphs (4) and (5) of this subsection;

(2) Takes effect upon a determination that the applicant is eligible for assistance;

(3) Terminates when an applicant ceases to receive assistance except with respect to the amount of any unpaid support obligation accrued under the assignment, as limited by paragraph (4) of this subsection;

(4) With respect to an applicant or recipient of TANF or POWER benefits, shall not exceed the total amount of cash assistance provided to the family and shall not apply with respect to any support, other than support collected pursuant to § 464 of the Social Security Act, approved August 13, 1981 (95 Stat. 860; 42 U.S.C. § 664), that accrued before the family received TANF or POWER benefits and that the District has not collected by:

(A) September 30, 2000, if the assignment is executed on or after October 1, 1997, and before October 1, 2000; or

(B) The date that the family ceases to receive assistance, if the assignment is executed on or after October 1, 2000; and

(5) Beginning on October 1, 2005, shall not apply to up to the first \$150 received each month by the assistance unit that represents a current monthly child support obligation or a voluntary child support payment from an absent parent or spouse.

(Apr. 6, 1982, D.C. Law 4-101, § 519, 29 DCR 1060; Feb. 24, 1987, D.C. Law 6-166, § 33(b), 33 DCR 6710; Apr. 20, 1999, D.C. Law 12-241, § 2(v), 46 DCR 905; Oct. 20, 2005, D.C. Law 16-33, § 5032(b), 52 DCR 7503.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.19.

Effect of Amendments

D.C. Law 16-33, in subsec. (c)(1), substituted "paragraphs (4) and (5)" for "paragraph (4)"; in subsec. (c)(3), deleted "and" at the end of the subsec; in subsec. (c)(4)(B), substituted "2000; and" for "2000."; and added subsec. (c)(5).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(h) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(h) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(v) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(h) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(h) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(h) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(v) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(v) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(v) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(v) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary (90 day) amendment of section, see §§ 5032(b), 5033 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

Law 6-166, the "D.C. Child Support Enforcement Amendment Act of 1985," was introduced in Council and assigned Bill No. 6-134, which was referred to the Committee on Human Services and reassigned to the Committee on the Judiciary. The Bill was adopted on first and second readings on July 8, 1986 and September 23, 1986, respectively. Signed by the Mayor on October 9, 1986, it was assigned Act No. 6-212 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For Law 16-33, see notes following § 4-205.11.

Miscellaneous Notes

Section 5033 of D.C. Law 16-33 provides:

"Sec. 5033. Applicability.

"This subtitle shall apply as of April 1, 2006."

§ 4-205.19A. REDETERMINATION OF ELIGIBILITY.

(a) For purposes of §§ 4-205.19b, 4-205.19c, 4-205.19f and 4-205.19g, a TANF recipient shall be considered an applicant for TANF benefits at each time of redetermination of eligibility for TANF. When a current TANF recipient is considered to be an applicant pursuant to this subsection, the Mayor may require the individual to participate in a work activity other than job search or job readiness in order to comply with this section, and § 4-205.19c shall apply if the individual fails to comply with any such work activity that the Mayor may require.

(b) As part of the redetermination of eligibility, a TANF recipient shall be provided information about the POWER program and screened for POWER eligibility. TANF applicants and recipients shall be permitted to affirmatively submit applications for POWER.

(c) As part of the redetermination of eligibility, a TANF recipient who may reach the 60-month limit during the 12 months following redetermination shall be provided information about hardship extensions and screened for eligibility for a hardship extension.

(d) The Mayor, or his designee, shall inform all TANF recipients and applicants of the eligibility criteria for POWER and TANF hardship extensions.

(Apr. 6, 1982, D.C. Law 4-101, § 519a, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905; Sept. 20, 2012, D.C. Law 19-168, § 5162(c), 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.19a.

Effect of Amendments

D.C. Law 19-168 designated the existing text as subsec. (a); and added subsecs. (b) to (d).

Temporary Addition of Sections

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) addition of section, see § 2(w) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

Emergency Act Amendments

For temporary addition of §§ 3-205.19a and 3-205.19b [1981 Ed.], see § 2(i) of the Public Assistance

Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and §§ 3-205.19a and 3-205.19b [1981 Ed.], see § 2(i) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary addition of §§ 3-205.19a and 3-205.19b [1981 Ed.], see § 2(i) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary addition of §§ 3-205.19a through 3-205.19l [1981 Ed.], see § 2(w) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12- 372, June 9, 1998, 45 DCR 4270), § 2(w) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(w) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(w) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For history of Law 19-168, see notes under § 4-202.05.

Miscellaneous Notes

Section 5163 of D.C. Law 19-168 provides:

"Sec. 5163. This subtitle shall apply upon certification by the Chief Financial Officer that sufficient revenue is available in the June 2012, September 2012, or December 2012 revenue estimates to fund section 10002(a)(1) and (2)(A) of the Revised Revenue Estimate Contingency Priority List Act of 2012, passed on 2nd reading on June 5, 2012 (Enrolled version of Bill 19-743)."

§ 4-205.19B. JOB SEARCH AND JOB READINESS REQUIREMENTS FOR TANF APPLICANTS.

(a)(1) Using a standard process and mechanism, the Mayor shall make a detailed assessment of the skills, prior work experience, employability, and barriers to employment, including domestic violence, mental health, and substance abuse ("assessment") of each TANF recipient.

(2) As a condition of eligibility, all TANF applicants shall complete the assessment.

(3) Staff responsible for administering the assessment shall receive specific training regarding the administration of the assessment and the follow-up services and programs available to eligible TANF recipients. Training shall include a focus on identifying barriers to employment, such as issues of domestic violence, mental health, and substance abuse.

(a-1) As a condition of eligibility, all work-eligible TANF applicants shall complete an employment program orientation.

(b)(1) Following the assessment and a positive eligibility determination, a TANF recipient in a single-parent assistance unit shall be required to sign and comply with an agreement to participate in work activities as a condition of continuing eligibility for TANF benefits when the recipient:

(A) Has a child under 6 years of age and is not engaged in paid employment for at least 20 hours per week (or an average of 80 hours per month); or

(B) Has a child 6 years of age and is not engaged in paid employment for at least 30 hours per week (or an average of 120 hours per month).

(2) The Mayor shall determine the nature and scope of the work activities that shall be required based on the person's assessment; provided, that the Mayor shall not require the TANF recipient to participate in work activities for more than 35 hours per week.

(3) This subsection shall not apply to a TANF recipient who is exempt pursuant to § 4-205.19g or subject to the school-attendance requirements of § 4- 205.65.

(c) Following the assessment, each parent in a 2-parent assistance unit who is not engaged in paid employment for at least 35 hours per week (or an average of 140 hours per month) and who is not required to meet the school attendance requirements of § 4-205.65 shall be required to sign and comply with an agreement to participate in job search or job readiness activities as a condition of eligibility for TANF benefits, unless the TANF recipient is exempt pursuant to § 4-205.19f, or the other parent in the family is engaged in paid employment and the 2 parents together work for at least 35 hours per week (or for at least 55 hours per week, if the family receives federally-funded child care and no adult in the family has a disability, or caring for a child disability). The Mayor shall determine the nature and scope of the activities based on the assessment. In no event shall the Mayor require the TANF recipient to participate in job search or job readiness activities for more hours than would be necessary for the combined number of hours of participation of both parents to equal 35 hours per week (or 55 hours per week, if the family receives federally-funded child care and no adult in the family has a disability, or caring for a child with a

disability).

(d) The Mayor shall promulgate rules to:

- (1) Screen and identify applicants with a history of domestic violence while maintaining the confidentiality of such persons;
- (2) Refer such individuals to counseling and supportive services; and
- (3) Waive, pursuant to a determination of good cause, other program requirements in cases where compliance with such requirements would make it more difficult for such individuals to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

(Apr. 6, 1982, D.C. Law 4-101, § 519b, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905; Apr. 24, 2007, D.C. Law 16-305, § 14(a), 53 DCR 6198; Mar. 3, 2010, D.C. Law 18-111, § 5171(a), 57 DCR 181; Apr. 8, 2011, D.C. Law 18-366, § 2(a), 58 DCR 981.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.19b.

Effect of Amendments

D.C. Law 16-305 substituted "has a disability" for "is disabled", throughout the section.

D.C. Law 18-111 rewrote subsec. (a); and added subsec. (a-1). Prior to amendment, subsec. (a) read as follows:

"(a) Application for public assistance shall be accepted from, or on behalf of, any person who believes himself or herself eligible for public assistance. The application shall be made in the manner and form prescribed by the Council, and shall contain such information as the Mayor shall require."

D.C. Law 18-366 rewrote subsecs. (a) and (b); and, in subsec. (c), substituted "assessment" for "preliminary assessment", and substituted "the TANF recipient" for "the applicant". Prior to amendment, subsecs. (a) and (b) read as follows:

"(a) As a condition of eligibility, all TANF applicants shall complete a preliminary assessment of their skills, prior work experience, employability, and barriers to employment.

"(b) Following the preliminary assessment, an applicant in a single-parent assistance unit who is not engaged in paid employment for at least 20 hours per week (or an average of 80 hours per month) during the period of October 1, 1997, through September 30, 1998, at least 25 hours per week (or an average of 100 hours per month) during the period of October 1, 1998, through September 30, 1999, or at least 30 hours per week (or an average of 120 hours per month) after September 30, 1998, and who is not required to meet the school attendance requirements of § 4-205.65 shall be required to sign and comply with an agreement to participate in job search or job readiness activities as a condition of eligibility for TANF benefits, unless the applicant is exempt pursuant to § 4-205.19f. The Mayor shall determine the nature and scope of the activities based on the preliminary assessment. In no event shall the Mayor require the applicant to participate in job search or job readiness activities for more than 35 hours per week."

Temporary Addition of Section

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) addition of section, see § 2(w) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

Emergency Act Amendments

For temporary addition of section, see note to § 3-205.19a.

For temporary (90 day) amendment of section, see § 5171(a) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 5171(a) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For Law 16-305, see notes following § 4-110.

Law 18-111, the "Fiscal Year 2010 Budget Support Act of 2009", was introduced in Council and assigned Bill

No. 18-203, which was referred to the Committee on the Whole. The bill was adopted on first and second readings on May 12, 2009, and September 22, 2009, respectively. Signed by the Mayor on December 18, 2009, it was assigned Act No. 18-255 and transmitted to both Houses of Congress for its review. D.C. Law 18-111 became effective on March 3, 2010.

Law 18-366, the "TANF Educational Opportunities and Accountability Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-1007, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on January 27, 2011, it was assigned Act No. 18-717 and transmitted to both Houses of Congress for its review. D.C. Law 18-366 became effective on April 8, 2011.

Miscellaneous Notes

Short title: Section 5170 of D.C. Law 18-111 provided that subtitle R of title V of the act may be cited as the "TANF Work Incentives Act of 2009".

§ 4-205.19C. FAILURE TO COMPLY WITH JOB SEARCH AND JOB READINESS REQUIREMENTS FOR TANF APPLICANTS.

(a) If a TANF applicant who is not exempt pursuant to § 4-205.19g(a) fails, without good cause, to participate in work activities pursuant to § 4-205.19b, the failure shall result in a sanction pursuant to § 4-205.19f.

(b) The Mayor shall promulgate rules defining what constitutes good cause for failure to participate in work activities, in addition to those circumstances described in subsections (c), (d), and (e) of this subsection. The rules promulgated by the Mayor shall require that notice be provided to TANF applicants of what constitutes good cause for failure to participate in work activities.

(c) The Mayor shall not sanction a TANF applicant based on the failure of an applicant to participate in work activities if the Mayor has failed to make a preliminary assessment pursuant to § 4-205.19b(a).

(d) The Mayor shall not sanction a TANF applicant based on the failure of a TANF applicant to participate in work activities if the applicant is a single custodial parent caring for a child under 6 years old, and the applicant proves that he or she has a demonstrated inability, as determined by the Mayor, to obtain needed child care for one or more of the following reasons:

- (1) Appropriate child care within a reasonable distance from the applicant's home or work site is unavailable;
- (2) Informal child care by a relative or under other arrangements is unavailable or unsuitable; or
- (3) Appropriate and affordable formal child care arrangements are unavailable.

(e)(1) The Mayor shall not sanction a TANF applicant for failure to participate in work activities if the Mayor controls the availability of placements in those activities and a placement in those activities is not available to the applicant.

(2) This subsection shall not apply if the Mayor makes a placement in another activity available to the applicant, provided that the replacement activity is consistent with the terms of the applicant's agreement to participate in work activities.

(f) Notwithstanding subsection (c), (d), or (e) of this section, the Mayor may sanction a TANF applicant if the applicant quits paid employment without good cause or voluntarily reduces income without good cause within 60 days before the determination of eligibility for TANF.

(Apr. 6, 1982, D.C. Law 4-101, § 519c, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905; Apr. 8, 2011, D.C. Law 18-366, § 2(b), 58 DCR 981.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.19c.

Effect of Amendments

D.C. Law 18-366 substituted "in work activities" for "in job search or job readiness activities".

Emergency Act Amendments

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) addition of section, see § 2(w) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For history of Law 18-366, see notes under § 4-205.19b.

§ 4-205.19D. WORK PARTICIPATION REQUIREMENTS FOR TANF RECIPIENTS.

(a) If the Mayor has assessed a TANF recipient pursuant to § 4-205.19b(a), the TANF recipient shall develop an individual responsibility plan with the Mayor that describes the steps the recipient is required to take to achieve self sufficiency and the services that the District shall provide to assist the recipient in attaining self sufficiency. The individual responsibility plan shall be based on the recipient's assessment at application.

(a-1) Repealed.

(b) Repealed.

(c) Subject to the exemptions listed in § 4-205.19g(b), a recipient who has developed an individual responsibility plan with the Mayor shall be required, as part of that plan, to participate in work activities, which may include one or more of the following:

- (1) Unsubsidized employment;
- (2) Subsidized private sector employment;
- (3) Subsidized public sector employment;
- (4) Work experience;
- (5) On-the-job training;
- (6) Job search and job readiness assistance;
- (7) Community service;
- (8) Vocational education training;
- (9) Job skills training directly related to employment;
- (10) Education directly related to employment;
- (10A) Satisfactory attendance in a secondary school or in a general equivalence program; or
- (11) Provision of child care services to an individual who is participating in a community service program.

(c-1)(1) The Mayor shall report and make public the following performance measures annually:

(A) "Job search and job readiness" means the act of seeking or obtaining employment or preparation to seek or obtain employment, including: life skills strategies and soft skills training, budget and credit counselling, substance abuse treatment, domestic violence support or services, mental health activities or rehabilitative activities for individuals who are otherwise employable as defined by the Work Verification Plan. Job search and job-readiness activities may count towards the work participation rates for a total of 6 weeks in a year, or 12 weeks in a year for states who meet the criteria established in section 403(b)(5) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2123; 42 U.S.C.S § 603(b)(5)).

(B) "Vocational educational training," not to exceed 12 months, means education programs that are directly related to the preparation of individuals for employment in current or emerging occupations that are provided by an accredited education or training organization such as a vocational-technical school, community college, post secondary institution, or proprietary school. Courses offered by such programs can include adult basic education, English as a Second Language ("ESL"), and literacy courses; provided, that the courses are part of the vocational training curriculum and are directly related to the preparation of individuals for employment in occupations that require training.

(C) "Job skills training directly related to employment" means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. This activity may include post-secondary education at an accredited university or college that leads to a bachelor's or advanced degree that is directly related to employment.

(D) "Education directly related to employment," in the case of a recipient who has not received a high school diploma or general educational development certificate ("GED") and needs specific employment training, means education directly related to a specific job or job offer. This includes

adult basic education, literacy, GED, and ESL activities.

(E) "Satisfactory attendance in secondary school or a general equivalence program" means regular attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

(F) "Unsubsidized employment," means full or part-time employment in the public or private sector that is not subsidized by TANF or any other public program.

(G) "Subsidized private sector employment," means employment in the private sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing an individual.

(H) "Subsidized public sector employment," means employment in the public sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing an individual.

(I) "Work experience," including work associated with the refurbishing of publicly-assisted housing, if sufficient private-sector employment is not available means a work activity performed in return for welfare that provides an individual with an opportunity to acquire the general skills, knowledge, and work habits necessary to obtain employment.

(J) "On-the-job training," means training in the public or private sector that is given to a paid employee while he or she is engaged in productive work and that provides knowledge and skills essential to the full and adequate performance of the job.

(K) "Community service programs," mean structured programs and activities in which individuals perform work for the direct benefit of the community under the auspices of public or nonprofit organizations.

(L) "Providing child care services to an individual who is participating in a community service program" means providing child care to enable another TANF or state supplementary payment recipient to participate in a community service program.

(2) Participation in one of the work activities listed in subparagraphs (I) through (L) of paragraph (1) this subsection shall count towards federal work requirements when combined with participation in a work activities listed in subparagraphs (A) through (H) of paragraph (1) of this subsection for the number of hours specified in 45 C.F.R. §§ 261.31-261.32.

(d) The Mayor shall periodically review each individual responsibility plan and revise each plan, if appropriate.

(e) Notwithstanding any other provision of this subchapter, nothing in this subchapter shall be construed to confer an entitlement to child care for any person.

(f) Subject to the availability of funds, the Mayor may provide monetary incentives to recipients for compliance with the federal work participation standards.

(g) The Mayor may promulgate rules to implement this section.

(Apr. 6, 1982, D.C. Law 4-101, § 519d, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905; Mar. 3, 2010, D.C. Law 18-111, § 5171(b), 57 DCR 181; Apr. 8, 2011, D.C. Law 18-366, § 2(c), 58 DCR 981.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.19d.

Effect of Amendments

D.C. Law 18-111 added subsecs. (a-1), (f), and (g).

D.C. Law 18-366 rewrote subsecs. (a) and (c)(10); repealed subsecs. (a-1) and (b); and, added subsecs. (c)(10A) and (c-1). Prior to amendment or repeal, subsecs. (a), (a-1), (b), and (c)(10) read as follows:

"(a) The Mayor may make an assessment of the skills, prior work experience, employability, and barriers to employment of each TANF recipient who is an adult or minor head of an assistance unit after the recipient is determined eligible to receive TANF benefits.

"(a-1) Recipients referred by the Mayor to an employment or education vendor or program shall participate in an assessment.

"(b) If the Mayor has assessed a TANF recipient pursuant to subsection (a) of this section, the TANF recipient shall develop an individual responsibility plan with the Mayor that describes the steps that the recipient is required to take to achieve self-sufficiency, and the services that the District shall provide to assist the recipient in attaining self-sufficiency. The individual responsibility plan shall be based on the recipient's preliminary assessment at application and the post-eligibility assessment. "

"(10) Education; or"

Temporary Addition of Section

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) addition of section, see § 2(w) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

Emergency Act Amendments

For temporary addition of section, see note to § 4-205.19a.

For temporary (90 day) amendment of section, see § 5171(b) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 5171(b) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For Law 18-111, see notes following § 4-205.19b.

For history of Law 18-366, see notes under § 4-205.19b.

§ 4-205.19E. FAILURE TO COMPLY WITH WORK REQUIREMENTS FOR TANF RECIPIENTS.

(a) If a nonexempt TANF recipient fails, without good cause, to participate in an assessment pursuant to § 4-205.19d(a), to enter into an individual responsibility plan developed pursuant to § 4-205.19d(b), or to comply with the terms of such a plan, the failure shall result in a sanction pursuant to § 4-205.19f.

(b) The Mayor shall promulgate rules defining what constitutes good cause for failure to comply with an individual responsibility plan, in addition to those circumstances described in subsections (c), (d), and (e) of this section. The rules promulgated by the Mayor shall require that notice be provided to TANF recipients of what constitutes good cause for failure to comply with an individual responsibility plan.

(c) The Mayor shall not sanction a TANF recipient based on the failure of the recipient to participate in work activities if the recipient is a single custodial parent caring for a child under 6 years old, and the recipient proves that the recipient has a demonstrated inability, as determined by the Mayor, to obtain needed child care for one or more of the following reasons:

- (1) Appropriate child care within a reasonable distance from the recipient's home or work site is unavailable;
- (2) Informal child care by a relative or under other arrangements is unavailable or unsuitable; or
- (3) Appropriate and affordable formal child care arrangements are unavailable.

(d) Repealed.

(e)(1) The Mayor shall not sanction a TANF recipient for failure to participate in work activities specified in an individual responsibility plan if the Mayor provides those activities and placement in those activities is limited such that those services are not yet available to the recipient.

(2) This subsection shall not apply if the Mayor makes a placement in another activity available to the recipient, provided that the replacement activity is consistent with the terms of the recipient's individual responsibility plan.

(f) Notwithstanding subsections (c), (d), or (e) of this section, the Mayor shall sanction a TANF recipient if the recipient quits paid employment without good cause or voluntarily reduces income without good cause within 60 days before the determination of eligibility for TANF or during the period in which the recipient receives TANF.

(Apr. 6, 1982, D.C. Law 4-101, § 519e, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905; Mar. 3, 2010, D.C. Law 18-111, § 5171(c), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.19e.

Effect of Amendments

D.C. Law 18-111 repealed subsec. (d), which had read as follows:

"(d) The Mayor shall not sanction a TANF recipient based on the failure of the recipient to participate in work activities if a post-eligibility assessment has not been made or an individual responsibility plan has not been developed with the Mayor."

Temporary Addition of Section

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) addition of section, see § 2(w) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

Emergency Act Amendments

For temporary addition of section, see note to § 4-205.19a.

For temporary (90 day) amendment of section, see § 5171(c) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 5171(c) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For Law 18-111, see notes following § 4-205.19b.

§ 4-205.19F. SANCTIONS.

(a) Repealed.

(b) The Mayor shall not consider an applicant or recipient to have complied with program requirements until the individual participates satisfactorily for at least one week.

(c) Notwithstanding subsection (b) of this section, if the Mayor cannot schedule the applicant or recipient for participation, by no fault of the applicant or recipient, the Mayor shall consider the applicant or recipient to have complied on the day the applicant or recipient notifies the Mayor that he or she agrees to participate.

(d) If a sanction terminates because the TANF applicant or recipient complies with program requirements, the applicant or recipient shall not receive TANF benefits for the remainder of the month of compliance, and instead shall begin receiving TANF benefits again in the following month, for the following month, and for subsequent months so long as the recipient continues to comply and remains otherwise eligible.

(e) A TANF applicant or recipient who is aggrieved by the Mayor's action concerning a sanction may seek redress under subchapter X of this chapter. A TANF applicant or recipient who has been sanctioned shall not be entitled to a conciliation process.

(f) If a TANF recipient fails to complete his or her annual review or is otherwise terminated while under sanctions, and makes a new application for benefits, the TANF applicant shall:

(1) Undergo an assessment and orientation pursuant to § 4-205.19(b); and

(2) Shall remain under the same level of sanction until in compliance pursuant to subsection (b) of this section.

(Apr. 6, 1982, D.C. Law 4-101, § 519f, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905; Apr. 8, 2011, D.C. Law 18-370, § 522(d), 58 DCR 1008.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.19f.

Effect of Amendments

D.C. Law 18-370 repealed subsec. (a); and added subsec. (f). Prior to repeal, subsec. (a) read as follows:

"(a) As a sanction pursuant to §§ 4-205.19c(a) and 4-205.19e(a), the Mayor shall not take into account the noncompliant TANF applicant's or recipient's needs in determining the TANF assistance unit's need for assistance and the amount of the TANF payment. The sanction shall remain in place for the following time periods, consistent with subsection (d) of this section:

"(1) Until the applicant or recipient complies with program requirements, or one month, whichever is later, if it is the applicant's or recipient's first sanction;

"(2) Until the applicant or recipient complies with program requirements, or 3 months, whichever is later, if it is the applicant's or recipient's second sanction; or

"(3) Until the applicant or recipient complies with program requirements, or 6 months, whichever is later, if it is the applicant's or recipient's third or subsequent sanction."

Temporary Addition of Section

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) addition of section, see § 2(w) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

Emergency Act Amendments

For temporary addition of section, see note to § 4-205.19a.

For temporary (90 day) amendment of section, see § 522(e) of Fiscal Year 2011 Supplemental Budget Support Emergency Act of 2010 (D.C. Act 18-694, January 19, 2011, 58 DCR 662).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For history of Law 18-370, see notes under § 4-202.05.

§ 4-205.19G. EXEMPTIONS.

(a) The Mayor shall promulgate rules describing those categories of TANF applicants who are exempt from the requirements of § 4-205.19b(b). The rules promulgated by the Mayor shall require that notice be provided to TANF applicants of the exemptions from the requirements of § 4-205.19b. Exempt TANF applicants shall include, at a minimum:

- (1) Minors who are not the head of an assistance unit, including minors in payee-only cases;
- (2) Individuals in a single-parent assistance unit who are already working in volunteer employment, work experience, or participating in another activity that has been approved by the Mayor as work participation, if, in the discretion of the Mayor, the participation in the activity is likely to lead to paid employment within the next 3 months, and the individual is participating in the activity for:
 - (A) 20 hours or more per week, or an average of 80 hours or more per month, during the period of October 1, 1997, through September 30, 1998;
 - (B) 25 hours or more per week, or an average of 100 hours or more per month, during the period of October 1, 1998, through September 30, 1999; or
 - (C) 30 hours or more per week, or an average of 120 hours or more per month, after September 30, 1999;
- (3) Individuals in a two-parent assistance unit who are already working in volunteer employment, work experience, or participating in another activity that has been approved by the Mayor as work participation, if, in the discretion of the Mayor, the participation in the activity is likely to lead to paid employment within the next 3 months, and the total number of hours in which the individual and the other parent in the assistance unit are participating is at least 35 hours per week (or 55 hours per week, if the family receives federally-funded child care and no adult in the family has a disability or is caring for a child with a disability).
- (4) Single custodial parents caring for a child less than 12 months old;
- (5) Applicants more than 60 years old;
- (6) With respect to the District-funded portion of TANF, individuals who are enrolled in local, accredited post-secondary educational institutions.

(b) The Mayor shall promulgate rules describing those categories of TANF recipients who are exempt from the requirements of § 4-205.19d(b), (c), and (d). The rules promulgated by the Mayor shall require that notice be provided to TANF recipients of the exemptions from the requirements of § 4-205.19d(b), (c), and (d). Exempt TANF recipients shall include, at a minimum:

- (1) Minor who are not the heads of assistance units, including minors in payee-only cases;
- (2) Single custodial parents caring for a child less than 12 months old; and

(3) Recipients more than 60 years old.

(c) Any TANF applicant or recipient who is exempt from mandatory participation in job search, job readiness, or work activities shall be permitted to participate in those activities on a voluntary basis to the extent that participation opportunities are available and the District's resources otherwise permit.

(Apr. 6, 1982, D.C. Law 4-101, § 519g, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905; Apr. 24, 2007, D.C. Law 16-305, § 14(b), 53 DCR 6198.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.19g.

Effect of Amendments

D.C. Law 16-305, in subsec. (a)(3), substituted "has a disability or is" for "is disabled or".

Temporary Addition of Section

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) addition of section, see § 2(w) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

Emergency Act Amendments

For temporary addition of section, see note to § 4-205.19a.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For Law 16-305, see notes following § 4-110.

§ 4-205.19H. ADMINISTRATION OF JOB SEARCH, JOB READINESS, WORK, AND SELF-SUFFICIENCY ACTIVITIES.

(a) Subject to other applicable provisions of District law, the Mayor may contract with a nongovernmental entity to perform all or part of the operation of job search, job readiness, other work activity, or self sufficiency programs under TANF or POWER with the exception of the following:

- (1) Responsibility for final decision-making on program planning and design, including program participation requirements;
- (2) Defining who is required to participate;
- (3) Defining good cause for failure to participate;
- (4) Issuance of rules and regulations governing participation;
- (5) Defining exemptions from participation;
- (6) Determination and application of sanctions against an individual;
- (7) Providing notice of case actions; and
- (8) Performing fair hearings and administrative reviews pursuant to subchapter X of this chapter.

(b) Any nongovernmental entity with which the Mayor has contracted regarding job search, job readiness, or work activities shall not have the authority to review, change, or disapprove any administrative decision of the Mayor or otherwise substitute its judgment for that of the Mayor regarding the application of policies, rules, and regulations promulgated by the Mayor or any agency.

(c) Any adverse determination, decision, or action of the nongovernmental entity made or taken with respect to an individual shall be reviewable by the Mayor, pursuant to procedures set forth in rules promulgated by the Mayor.

(d) In selecting a nongovernmental contractor, the Mayor shall take into account past performance in providing similar services, demonstrated effectiveness, fiscal accountability, ability to meet performance standards, other factors the Mayor determines to be appropriate, and any other factors that are required to be considered by District law.

(Apr. 6, 1982, D.C. Law 4-101, § 519h, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.19h.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) addition of section, see § 2(w) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

Emergency Act Amendments

For temporary addition of section, see note to § 4-205.19a.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.19I. NONDISCRIMINATION AGAINST TANF AND POWER APPLICANTS AND RECIPIENTS.

A person's application for, or receipt of, TANF or POWER benefits shall not affect the applicability to that person of District and federal laws prohibiting discrimination.

(Apr. 6, 1982, D.C. Law 4-101, § 519i, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.19i.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) addition of section, see § 2(w) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

Emergency Act Amendments

For temporary addition of section, see note to § 4-205.19a.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.19J. HEALTH AND SAFETY STANDARDS FOR TANF AND POWER RECIPIENTS.

TANF and POWER applicants and recipients participating in job search, job readiness, work, or self-sufficiency activities shall be subject to the same health and safety standards established under District and federal laws that apply to other individuals in comparable activities who are not TANF or POWER applicants or recipients.

(Apr. 6, 1982, D.C. Law 4-101, § 519j, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.19j.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of

1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) addition of section, see § 2(w) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

Emergency Act Amendments

For temporary addition of section, see note to § 4-205.19a.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.19K. WORKERS' COMPENSATION FOR TANF RECIPIENTS.

TANF recipients who are considered employees for purposes of the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1060; 29 U.S.C. § 201 et seq.), shall be covered by Chapter 15 of Title 32 or subchapter XXIII of Chapter 6 of Title 1, whichever is appropriate, at the same level and to the same extent as comparably-employed individuals who do not receive TANF and shall be entitled to a minimum wage under § 32-1003.

(Apr. 6, 1982, D.C. Law 4-101, § 519k, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.19k.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) addition of section, see § 2(w) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

Emergency Act Amendments

For temporary addition of section, see note to § 4-205.19a.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.19L. NONDISPLACEMENT BY TANF RECIPIENTS.

(a) The Mayor shall not require a TANF recipient to participate in a work activity that:

- (1) Results in the displacement of any currently-employed worker or position, including partial displacement, such as a reduction in hours of nonovertime work, wages, or employment benefits;
- (2) Impairs existing contracts for services or collective bargaining agreements;
- (3) Results in the employment or assignment of the TANF recipient, or the filling of a position with the TANF recipient when any other person is on layoff from the same or a substantially equivalent job within the same organizational unit, or when an employer has terminated any regular employee or otherwise reduced its workforce with the intent of filling the vacancy so created by hiring the TANF recipient; or
- (4) Results in the TANF recipient participating in community service, work experience, or subsidized employment when such participation is the equivalent of filling an established unfilled position vacancy, or is the equivalent of performing a job that is substantially similar to the vacant position, unless the TANF recipient is given a bona fide opportunity to apply for the position as an unsubsidized employee after 18 weeks of satisfactory service in the position.

(b) The Mayor shall establish and maintain a grievance procedure for resolving complaints by any person, organization, or bargaining unit that claims to have been adversely affected by a violation of this subsection.

(c) Nothing in this section shall be construed to prevent a collective bargaining agreement from containing additional protections for a regular employee.

(Apr. 6, 1982, D.C. Law 4-101, § 519l, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

Prior Codifications

1981 Ed., § 3-205.19l.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) addition of section, see § 2(i) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) addition of section, see § 2(w) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

Emergency Act Amendments

For temporary addition of section, see note to § 4-205.19a.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.19M. REPORTING REQUIREMENTS.

The Mayor shall report and make public the following performance measures annually:

(1) By vendor program:

(A) The number of TANF work-eligible recipients and percentage of the TANF caseload who have participated in the specific vendor program, including the number and percentage of those recipients who have:

- (i) Met their work participation requirements for at least one month during the reporting period;
- (ii) Completed the education or training program; and
- (iii) Have become employed.

(B) Of those who gained employment, the number and percentage of TANF recipients who remain employed and met work participation requirements, by month, for up to 6 months;

(C) Of those who exited TANF due to earnings, the number and percentage of TANF recipients who return to a vendor program after 3 months, 6 months, 12 months, and 18 months;

(2) The number of TANF recipients and percentage of the TANF caseload who:

(A) Have applied for a waiver from job search or job readiness activities, as defined in § 4-205.19b, and work activities, as defined in § 4-205.19d, due to domestic violence as referenced in § 4-205.19b(d)(3);

(B) Have been granted a waiver from job search or job readiness activities, pursuant to § 4-205.19b, and work activities due to domestic violence as referenced in § 4-205.19b(d)(3);

(C) Have been referred to treatment through domestic violence services pursuant to § 4-205.19b(d)(2); and

(D) Are receiving domestic violence services through a referral by the Mayor pursuant to § 4-205.19b(d)(2);

(3) The number of TANF recipients and percentage of the TANF caseload who have been:

(A) Referred to POWER pursuant to § 4-205.73(b);

(B) Approved for POWER; and

(C) Referred to and receive, to the extent such information is accessible and available, treatment services for substance abuse or physical or mental disabilities;

(4) The number of TANF recipients and percentage of the TANF caseload who are participating in each work activity listed in § 4-205.19c(c-1), including the number of TANF recipients and percentage of TANF caseload who have reported self-employment as their unsubsidized employment work activity;

(5) For the following activities, a list of organizations, with which TANF recipients have been placed and the number placed with each:

(A) Subsidized private sector employment;

(B) Subsidized public sector employment;

- (C) Work experience;
 - (D) On-the-job-training;
 - (E) Community service;
 - (F) Vocational education training; and
 - (G) Job skills training directly related to employment;
- (6) The number of TANF recipients and percentage of the TANF caseload who have:
- (A) Been referred to the Tuition Assistance Program Initiative for TANF ("TAPIT");
 - (B) Been enrolled in TAPIT; and
 - (C) Successfully completed TAPIT;
- (7) The number of TANF recipients and percentage of the TANF caseload who have:
- (A) Been referred to the University of the District of Columbia Paths Program;
 - (B) Been enrolled in the UDC Paths Program; and
 - (C) Successfully completed the UDC Paths Program; and
- (8) The number of TANF recipients and percentage of the TANF caseload who were not referred to work activities within 6 months and 12 months after a positive eligibility determination.

(Apr. 20, 1999, D.C. Law 4-101, § 519m, as added Apr. 8, 2011, D.C. Law 18-366, § 2(d), 58 DCR 981; Sept. 26, 2012, D.C. Law 19-171, § 32(a), 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-171, in par. (2)(A), validated a previously made technical correction.

Legislative History of Laws

For history of Law 18-366, see notes under § 4-205.19b.

Law 19-171, the "Technical Amendments Act of 2012", was introduced in Council and assigned Bill No. 19-397, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on March 20, 2012, and April 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to both Houses of Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 4-205.19N. FAMILY ASSESSMENT PLAN.

Within 180 days of April 8, 2011, the Mayor shall submit to the Council a plan, with timetables and budget requirements, to assess every family and to offer supportive services and job training opportunities for the TANF program, starting with all present and subsequent families that have been on the program beyond 60 months, and to transition all families beyond 60 months from the program within 5 years.

(Apr. 20, 1999, D.C. Law 4-101, § 519n, as added Apr. 8, 2011, D.C. Law 18-366, § 2(e), 58 DCR 981; Sept. 26, 2012, D.C. Law 19-171, § 32(b), 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-171, in the section name line, validated a previously made technical correction.

Legislative History of Laws

For history of Law 18-366, see notes under § 4-205.19b.

For history of Law 19-171, see notes under § 4-205.19m.

§ 4-205.20. PARENTAL ABSENCE BY REASON OF IMPRISONMENT.

When continued absence from the home is by reason of imprisonment, the Mayor shall verify the length of the prison term of the parent, ascertain the date the parent will be eligible for parole, determine whether the parent is employed under the Work Release Program and the amount of support payment made to the family if so employed.

(Apr. 6, 1982, D.C. Law 4-101, § 520, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

1981 Ed., § 3-205.20.

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.21. ELIGIBILITY STANDARDS FOR CHILDREN OF UNEMPLOYED PARENTS.

(a) Repealed.

(a-1) Repealed.

(b) Repealed.

(c) The parent who is the principal wage earner must be referred to job search, job readiness, or other work activities after application for TANF benefits.

(Apr. 6, 1982, D.C. Law 4-101, § 521, 29 DCR 1060; Oct. 27, 1995, D.C. Law 11-72, § 201(d), 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 2(x), 46 DCR 905; Dec. 17, 2009, D.C. Law 18-94, § 2(d), 56 DCR 8521.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.21.

Effect of Amendments

D.C. Law 18-94 repealed subsecs. (a) and (b), which had read as follows:

"(a) A child shall be eligible to receive TANF by reason of the unemployment of his or her parent who is the principal wage earner if the parent who is the principal wage earner:

"(1) Is employed less than 35 hours a week;

"(2) Has been employed less than 35 hours a week for at least 60 days prior to the receipt of TANF;

"(3) Has not, without good cause, within such 60-day period, refused a bona fide offer of employment or training for employment;

"(4) Has 6 or more quarters of work during which he or she earned not less than \$50 in each quarter, within the 3 years and 3 months ending within 1 year prior to applying for TANF, or, within such 1-year period, he or she has either received unemployment compensation or would have been entitled thereto had the industry in which he or she was employed been covered under the unemployment compensation law; and

"(5) Is registered with the District of Columbia Department of Employment Services.

"(b) The family shall not be eligible for assistance for any week in which the parent who is the principal wage earner receives unemployment compensation."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(x) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(x) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(x) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(x) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(x) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary (90 day) amendment of section, see § 2(d) of Public Assistance Emergency Amendment Act of 2009 (D.C. Act 18-198, October 9, 2009, 56 DCR 8132).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 11-72, see Historical and Statutory Notes following § 4-205.61.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For Law 18-94, see notes following § 4-201.01.

Miscellaneous Notes

Expiration of Law 11-72: See note to § 4-205.01.

§ 4-205.22. AVAILABILITY OF STEPPARENT.

(a) A stepparent is not required by the law of the District to support his or her stepchildren, but is legally responsible for the support of his or her spouse.

(b)(1) When a child lives with a parent and a stepparent, the income of the stepparent shall be considered as available to the family in computing eligibility for public assistance according to the requirements of this subsection. When the child lives with a parent and another person, not a stepparent, who is maintaining a home with the parent, the financial resources of that person shall be considered to the extent to which that person is contributing to the support of the parent and the child.

(1A) In computing the availability of a stepparent's income to an assistance unit:

(A) If the stepparent is included in the assistance unit, and has at least one child in common with another member of the assistance unit, and that child is part of the assistance unit, the family shall be considered to be a two-parent assistance unit and the stepparent's income shall be treated like a parent's income;

(B) If the stepparent is included in the assistance unit, but does not have a child in common with another member of the assistance unit, the stepparent shall be treated as the parent of the dependent child in the assistance unit; and

(C) If the stepparent is not included in the assistance unit, none of the stepparent's income shall be considered available to the assistance unit.

(2) In computing the availability of a deemed parent's income, the Department shall exclude:

(A) The first \$90 of the total of the deemed parent's earned income for the month;

(B) An additional amount for the support of the deemed parent and any other individuals who are living in the home, but whose needs are not taken into account in making the TANF eligibility determination and who are claimed by the deemed parent as dependents for purposes of determining his or her federal personal income tax liability. This disregarded amount shall equal the District's standard of assistance for a family group of the same composition as the deemed parent and those other individuals described in the preceding sentence; and

(C) Repealed.

(D) Payments by such deemed parent of alimony or child support with respect to individuals not living in the household.

(3) Repealed.

(4) Repealed.

(c) Repealed.

(d) For purposes of this section, a "deemed parent" is:

(1) The natural or adoptive parent of a minor dependent child, if the child is his- or herself the parent of a dependent child, and all three generations live in the same household; or

(2) The parent of a minor dependent child, if the parent lives in the same household with the dependent child and marries a person who is not the parent of the dependent child, and chooses to be excluded from the dependent child's assistance unit.

(Apr. 6, 1982, D.C. Law 4-101, § 523, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(y), 46 DCR 905; Dec. 17, 2009, D.C. Law 18-94, § 2(e), 56 DCR 8521.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

Effect of Amendments

D.C. Law 12-241 in (b), added (1A), substituted "deemed parent" for "stepparent" and "deemed parent's" for "stepparent's" throughout (2), in (2)(B), substituted "TANF" for "AFDC" and "standard of assistance" for "standard of need", and repealed (3) and (4); repealed (c); and added (d).

D.C. Law 18-94 rewrote subsec. (b)(2)(A); in subsec. (b)(2)(B), inserted "and" at the end; repealed subsec. (b)(2)(C); and, in subsec. (d)(2), substituted "who is not the parent of the dependent child, and chooses to be excluded from the dependent child's assistance unit" for "with whom the parent does not have a child in common". Prior to amendment or repeal, subsecs. (b)(2)(A) and (C) read as follows:

"(A) The first \$75 of the total of such deemed parent's earned income for the month. If the deemed parent worked less than 120 hours during the month, the amount disregarded shall be \$60;"

"(C) Amounts actually paid by the deemed parent to individuals not living in the home but who are claimed by him or her as dependents for purposes of determining his or her federal personal income tax liability; and"

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(y) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(y) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(y) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(y) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(y) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary (90 day) amendment of section, see § 2(e) of Public Assistance Emergency Amendment Act of 2009 (D.C. Act 18-198, October 9, 2009, 56 DCR 8132).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For Law 18-94, see notes following § 4-201.01.

§ 4-205.23. OBLIGATIONS OF CUSTODIAL RELATIVES OTHER THAN PARENTS.

(a) When a relative applies for TANF in behalf of a child who is living in such relative's home and the child's parents are maintaining a home elsewhere, the Mayor shall determine whether the child is in fact deprived of parental care and support.

(b) When parents are unwilling to accept the responsibility for the support of their children, a relative with whom a child is living shall be encouraged to cooperate with appropriate law enforcement officials charged with the responsibility for pursuing public remedies against the parents who are not contributing toward the support of their family; provided, that the failure of such relative to so cooperate with law enforcement officials shall have no effect on eligibility for assistance under this program.

(Apr. 6, 1982, D.C. Law 4-101, § 523, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(z), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

Effect of Amendments

D.C. Law 12-241 substituted "TANF" for "AFDC" in (a).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(z) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(z) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(z) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(z) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(z) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.24. ELIGIBILITY REQUIREMENTS FOR ALIEN CHILDREN.

(a) Any person who is not a citizen of the United States, who entered the United States before August 22, 1996, and who is a "qualified alien", as defined by § 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2105; 8 U.S.C. § 1641), may receive the following:

- (1) TANF benefits, if otherwise eligible under this chapter;
- (2) Medicaid benefits, if otherwise eligible under the District of Columbia State Plan submitted pursuant to title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 et seq.); and
- (3) Benefits and services funded under title XX of the Social Security Act, approved August 13, 1981 (95 Stat. 867; 42 U.S.C. § 1397 et seq.), if otherwise eligible under applicable federal and District law.

(b) Any person who is not a citizen of the United States and who is a "qualified alien", as defined by § 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, may receive any District-funded benefit if otherwise eligible under applicable District law, regardless of the person's date of entry into the United States.

(Apr. 6, 1982, D.C. Law 4-101, § 524, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(aa), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.24.

Effect of Amendments

D.C. Law 12-241 rewrote the section.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(j) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(j) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(aa) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(j) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(j) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(j) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(aa) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(aa) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(aa) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(aa) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.25. ELIGIBILITY DETERMINED PROSPECTIVELY.

All factors of TANF eligibility shall be determined prospectively. The amount of monthly TANF assistance payments shall be determined using the prospective budgeting method.

(Apr. 6, 1982, D.C. Law 4-101, § 524, 29 DCR 1060; Mar. 14, 1985, D.C. Law 5-150, § 2(e), 31 DCR 6425; Sept. 10, 1985, D.C. Law 6-35, § 2(f); Apr. 20, 1999, D.C. Law 12-241, § 2(bb), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.25.

Effect of Amendments

D.C. Law 12-241 rewrote the section.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(bb) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(bb) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(bb) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(bb) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(bb) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 5-150, see Historical and Statutory Notes following § 4-205.05.

For legislative history of D.C. Law 6-35, see Historical and Statutory Notes following § 4-202.05.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following to § 4-201.01.

§ 4-205.26. PROCEDURE FOR PUBLIC AND MEDICAL ASSISTANCE APPLICATION.

Applications for public and medical assistance shall be approved or disapproved by the Mayor with reasonable promptness. Such action shall be taken on applications for public assistance not in excess of 45 days and on applications for medical assistance to people with disabilities not in excess of 60 days from the date the application is received to the date the applicant receives his 1st assistance payment or his Medicaid care or a notice of ineligibility, unless a delay is caused by unusual circumstance beyond the Mayor's control including those which are:

- (1) Wholly within the applicant's control;
- (2) Beyond his or her control, such as hospitalization or imprisonment; or
- (3) An administrative or other emergency that could not be reasonably controlled by the agency.

(Apr. 6, 1982, D.C. Law 4-101, § 526, 29 DCR 1060; Apr. 24, 2007, D.C. Law 16-305, § 13(b), 53 DCR 6198.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.26.

Effect of Amendments

D.C. Law 16-305 substituted "peoples with disabilities" for "the disabled".

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For Law 16-305, see notes following § 4-110.

§ 4-205.27. FAILURE TO DETERMINE ELIGIBILITY WITHIN TIME REQUIREMENT.

The Mayor shall not terminate his consideration of an application for assistance solely because he has been unable to establish the eligibility of the applicant within the 45- or 60-day period.

(Apr. 6, 1982, D.C. Law 4-101, § 527, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.27.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.28. INCOME APPLICATION IN DETERMINING NEED FOR FAMILY RECEIVING MORE THAN 1 ASSISTANCE PAYMENT.

When a family is receiving more than 1 assistance payment and members of a family have income, the Mayor shall apply income that must be considered in determining need as follows:

- (1) When a husband and wife are each receiving assistance, income shall be divided equally between them.
- (2) When the parent of minor children has income and is receiving assistance in his or her own right, his or her income shall be prorated between his or her payment and the payment for his or her dependents.
- (3) When an adult child has income, is receiving assistance, and is living with his or her family which is receiving assistance, his or her income shall be applied only to his or her own requirements.

(Apr. 6, 1982, D.C. Law 4-101, § 528, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.28.

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.29. INCOME STATUS OF LOANS AND GRANTS.

The Mayor, in determining the amount of assistance payment to which an applicant or recipient of public welfare is entitled, shall not consider as income or as a resource loans and grants obtained and used under conditions that preclude their use for current living costs.

(Apr. 6, 1982, D.C. Law 4-101, § 529, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.29.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.30. DEFINITIONS.

As used in §§ 4-205.31 through 4-205.35, the term:

(1) Repealed.

(2) "Lump-sum payment or settlement" means a nonrecurring earned or unearned income, including retroactive monthly benefits, and payments in the nature of a windfall. The phrase "lump-sum payment or settlement" does not include income that represents a correction of previous underpayments of TANF, POWER, Aid to Families with Dependent Children (representing payments owed before that program was repealed) or GAC, and does not include a personal injury award, worker's compensation, or similar award to the extent that it is earmarked and used for the purpose for which it was paid, such as payment of medical bills.

(Apr. 6, 1982, D.C. Law 4-101, § 530, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(cc), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.30.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(cc) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(cc) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(cc) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(cc) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(cc) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.31. APPLICATION FOR BENEFITS REQUIRED.

(a) Subject to the provisions of subsection (b) of this section, the Mayor shall, as a condition of eligibility, require each public assistance applicant or recipient to apply for any benefits to which he or she may be eligible.

(b) If a person applies for TANF and the Mayor determines that the applicant faces significant barriers to employment due to a physical or mental incapacity, the Mayor may consider the application to be an application for POWER, and may process the application as an application for POWER. A person may not apply for POWER without Mayoral approval.

(Apr. 6, 1982, D.C. Law 4-101, § 531, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(dd), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.31.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(dd) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(dd) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(dd) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(dd) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(dd) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.32. ESTABLISHMENT OF NET PAYMENT RECEIVED.

The Mayor shall deduct from the gross amount of any accrued statutory benefit, lump-sum payment, or settlement from any source received by a recipient of GPA (provided such money is still available to the recipient when the Mayor learns of its receipt):

- (1) Attorneys' fees, medical expense, and other legitimate expenses of collection or settlement; and
- (2) Legitimate debts of the recipient incurred for living expenses prior to his or her application for assistance and for which credit was extended in anticipation of the award or settlement.

(Apr. 6, 1982, D.C. Law 4-101, § 532, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.32.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.33. TREATMENT OF LUMP-SUM PAYMENTS AND SETTLEMENTS.

(a) Repealed.

(b) For applicants for and recipients of TANF:

- (1) The amount of a lump-sum payment or settlement shall be considered as current income of the applicant or recipient, both in the month in which it was received and, to the extent required by paragraph (2) of this subsection, in future months, irrespective of the month in which it was reported to the Mayor.
- (2) If the amount of the payment, when added to any other income, exceeds the standard of assistance applicable to the family of which the applicant or recipient is a member:
 - (A) The family of the applicant or recipient shall be ineligible for assistance for the full number of months that equals:

(i) The sum of the payment and all other countable income received in such month, divided by;

(ii) The standard of assistance applicable to such family; and

(B) Any income remaining (which amount is less than the applicable monthly standard) shall be treated as if it were income received in the 1st month following the period of ineligibility specified in subparagraph (A) of this paragraph.

(3) The period of ineligibility described in paragraph (2) of this subsection shall be shortened if: (A) An applicant reapplies and it is determined that the standards of assistance have been increased and the amount the assistance unit would have received has also changed; (B) the lump-sum payment or a portion of it has become unavailable to the assistance unit for a reason beyond the control of the assistance unit; or (C) a member of the assistance unit incurred and paid for medical expenses in a month during the period of ineligibility caused by receipt of a lump-sum payment. The Mayor shall establish guidelines for determining when the circumstances of an assistance unit fall within the purview of this paragraph.

(Apr. 6, 1982, D.C. Law 4-101, § 533, 29 DCR 1060; Mar. 14, 1985, D.C. Law 5-150, § 2(f), 31 DCR 6425; Sept. 10, 1985, D.C. Law 6-35, § 2(g), 32 DCR 3778; Mar. 20, 1998, D.C. Law 12-60, § 701(i), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(ee), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.33.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(i) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12-21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) amendment of section, see § 701(i) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(ee) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(i) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(i) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(i) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(ee) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ee) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ee) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ee) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 5-150, see Historical and Statutory Notes following § 4-205.05.

For legislative history of D.C. Law 6-35, see Historical and Statutory Notes following § 4-202.05.

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 4-205.34. TREATMENT OF ACCRUED STATUTORY BENEFITS.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 534, 29 DCR 1060; Mar. 20, 1998, D.C. Law 12-60, § 701(j), 44 DCR 7378.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.34.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(j) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12- 21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) repeal of section, see § 2(j) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

Legislative History of Laws

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 4-205.35. FAILURE OF RECIPIENTS TO REPORT PROMPTLY.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 535, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(ff), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.35.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(ff) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 2(ff) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ff) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ff) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ff) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.36. WORK INCENTIVE ALLOWANCES DISREGARDED.

The Mayor, in determining the extent of need of persons who are receiving TANF and are selected by the vocational rehabilitation program to receive vocational training for gainful employment, shall disregard the full amount of work incentive allowances paid to trainees by the vocational rehabilitation program.

(Apr. 6, 1982, D.C. Law 4-101, § 536, 29 DCR 1060; Mar. 20, 1998, D.C. Law 12-60, § 701(k), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(gg), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.36.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(k) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12-21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) amendment of section, see § 701(k) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(gg) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(k) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(k) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(k) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(gg) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(gg) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(gg) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(gg) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 4-205.37. STANDARD FOR INCOME AND RESOURCE DETERMINATION.

(a) The Mayor shall, in establishing the need of an individual for assistance, take into consideration all income and resources of such individual in excess of any amounts which may, under the provisions of this chapter, be legally disregarded.

(b) Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 537, 29 DCR 1060; Oct. 27, 1995, D.C. Law 11-72, § 201(e), 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 2(hh), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.37.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(k) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(k) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(hh) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(k) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(k) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(k) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(hh) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(hh) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(hh) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(hh) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 11-72, see Historical and Statutory Notes following § 4-205.61.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Expiration of Law 11-72: See note to § 4-205.01.

§ 4-205.38. AVAILABILITY OF INCOME AND RESOURCES.

All income and other resources shall be identifiable as to nature, amount, and time of receipt, and must be actually available to the applicant or recipient for his or her current use. Unpredictable and inconsequential gifts or earnings shall not be considered resources.

(Apr. 6, 1982, D.C. Law 4-101, § 538, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.38.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.39. EARNED INCOME.

Earned income includes income or resources in cash or in kind earned by an individual through the receipt of wages, salaries, commissions, or profit from activities in which he or she is self-employed.

(Apr. 6, 1982, D.C. Law 4-101, § 539, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.39.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.40. RESOURCES IN KIND.

(a) Resources in kind are basic necessities, such as food, clothing, or shelter, which an individual obtains without charge or in return for his or her services.

(1) Repealed.

(2) Home produce of an applicant or recipient, utilized by him or her and his or her household for their own consumption, shall not be considered in determining need and the amount of payment.

(b) An individual shall not be required to accept an offer of a free home.

(Apr. 6, 1982, D.C. Law 4-101, § 540, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(ii), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.40.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(ii) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(ii) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ii) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ii) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ii) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.41. EMERGENCY APPLICANT MAY RETAIN AUTOMOBILE.

An applicant for public assistance who requests assistance by reason of an emergency for not more than 60 days shall be entitled to retain whatever automobile is then owned or being paid for by him or her.

(Apr. 6, 1982, D.C. Law 4-101, § 541, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.41.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.42. DEFINITIONS RELATING TO INCAPACITY AND DISABILITY.

For the purpose of determining coverage and conditions of eligibility of applicants and recipients in financial and medical assistance programs of the District, the Mayor shall apply the following definitions relating to incapacity and disability with respect to parents and other adults who are otherwise eligible for assistance under such programs:

(1) Physical or mental incapacity. --

(A) For the TANF program, physical or mental incapacity shall be deemed to exist when 1 parent has a physical or mental defect, illness, or impairment. The incapacity shall be supported by competent medical testimony and must be of such a debilitating nature as to reduce substantially or eliminate the parent's ability to support or care for an otherwise eligible child and be expected to last for a period of at least 30 days.

(B) Repealed.

(C) In making the determination of ability to support, the Mayor shall take into account the limited employment opportunities of individuals with disabilities.

(D) A finding of eligibility for OASDI or SSI benefits, based on disability or blindness, shall be deemed acceptable proof of incapacity for purposes of the TANF program.

(2) Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 542, 29 DCR 1060; Aug. 17, 1991, D.C. Law 9-27, § 2(e), 38 DCR 4205; Mar. 20, 1998, D.C. Law 12-60, § 701(l), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(jj), 46 DCR 905; Apr. 24, 2007, D.C. Law 16-305, § 13(c), 53 DCR 6198.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.42.

Effect of Amendments

D.C. Law 16-305, in par. (1)(C), substituted "individuals with disabilities" for "handicapped individuals".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 101(e) of Omnibus Budget Support Temporary Act of 1991 (D.C. Law 9-19, June 21, 1991, law notification 38 DCR 5786).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(l) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12- 21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) amendment of section, see § 701(l) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(jj) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 101(e) of the Omnibus Budget Support Emergency Act of 1991 (D.C. Act 9-37, May 17, 1991, 38 DCR 3390).

For temporary amendment of section, see § 101(e) of the Omnibus Budget Support Congressional Recess Emergency Act of 1991 (D.C. Act 9-69, July 24, 1991, 38 DCR 4945).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(l) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(l) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(l) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

For temporary amendment of section, see § 2(jj) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(jj) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(jj) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(jj) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 9-27, see Historical and Statutory Notes following § 4-205.05a.

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For Law 16-305, see notes following § 4-110.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 4-205.42A. ELIGIBILITY FOR GENERAL PUBLIC ASSISTANCE.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 542a, as added Aug. 17, 1991, D.C. Law 9-19, title I, § 101(f), 38 DCR 4066; Aug. 17, 1991, D.C. Law 9-27, § 2(f), 38 DCR 4205; Feb. 5, 1994, D.C. Law 10-68, § 10(d), 40 DCR 6311; Mar. 20, 1998, D.C. Law 12-60, § 701(m), 44 DCR 7378.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.42a.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(m) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12- 21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) repeal of section, see § 701(m) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

Legislative History of Laws

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 4-205.43. PARTICIPATION IN LABOR DISPUTE; PREGNANCY.

(a) Repealed.

(b) A pregnant woman may be eligible for TANF benefits for herself if the pregnancy has been medically certified, the pregnancy is in the third trimester, and other eligibility requirements are met. The Mayor may provide to the pregnant woman written information and referral as to the availability of prenatal care services and nutrition supplements for pregnant women.

(Apr. 6, 1982, D.C. Law 4-101, § 543, 29 DCR 1060; Sept. 26, 1996, D.C. Law 11-52, § 502(d), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 2(kk), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.43.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 502(d) of Multiyear Budget Spending Reduction and Support Temporary Act of 1995 (D.C. Law 10-253, March 23, 1995, law notification 42 DCR 1652).

For temporary (225 day) amendment of section, see § 2(a) of Human Services Spending Reduction Temporary Amendment Act of 1995 (D.C. Law 11-29, July 25, 1995, law notification 42 DCR 4002).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(kk) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 502(d) of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994 (D.C. Act 10-389, December 29, 1994, 42 DCR 197).

For temporary amendment of section, see § 2(a) of the Human Services Spending Reduction Emergency Amendment Act of 1995 (D.C. Act 11-35, April 11, 1995, 42 DCR 1834) and § 2(a) of the Human Services Spending Reduction Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-104, July 21, 1995, 42 DCR 4014).

For temporary amendment of section, see § 502(d) of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and see § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(kk) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(kk) of the Self-Sufficiency Promotion

Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(kk) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(kk) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 11-52, see Historical and Statutory Notes following § 4-204.06.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.44. AMOUNT.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 544, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(ll), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.44.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(l) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) repeal of section, see § 2(ll) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of § 4-205.44 through 4-205.46, see § 2(ll)-(nn) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ll)-(nn) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ll)-(nn) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ll)-(nn) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.45. STANDARD FOR REQUIREMENTS EXCEPTIONS.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 545, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(mm), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.45.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(mm) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-205.44.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.46. MEAL STANDARD.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 546, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(nn), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.46.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(nn) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-205.44.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.47. NURSING CARE STANDARD.

(a) When a recipient is receiving nursing care in the home of a relative, the Mayor will apply the standard for room, board, and care in an intermediate care facility, based on the kind and extent of care required.

(b) The rate for care in a foster home or for residential placement shall be the same as that for the lowest rate in an intermediate care facility.

(c) The rates paid for intermediate care, foster home care, or residential placement shall be paid at 100% of the standard as the rates were not increased in the 1970 budget.

(Apr. 6, 1982, D.C. Law 4-101, § 547, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.47.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.48. STANDARDS OF ASSISTANCE ADOPTED AND APPLIED.

Standards of assistance are adopted superseding the existing standards for requirements, and shall be applied:

(1) To determine the eligibility of applicants for public assistance; and

(2) To determine or redetermine the amount of public assistance grant for the recipient.

(Apr. 6, 1982, D.C. Law 4-101, § 548, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.48.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.49. SPECIAL LIVING ARRANGEMENTS.

(a) Recipients of public assistance who are in nursing homes shall receive a payment of \$40 per month for clothing and personal needs.

(b) Recipients of public assistance who are in half-way houses for alcoholics or drug addicts shall receive a payment of \$170 per month, \$150 of which shall be for room, board, and care, and the remaining \$20 for clothing and personal needs.

(c) Effective with payments beginning on January 1, 1997, each recipient of Supplemental Security Income or General Public Assistance who lives in a community residence facility that has 50 or fewer residents or an Assisted Living Residence that has 16 or fewer residents shall receive a payment of \$631.20 per month, of which \$561.20 shall be used for room, board, and care and \$70.00 shall be retained by the recipient for clothing and personal needs.

(d) Effective with payments beginning on January 1, 1997, each recipient of Supplemental Security Income

who lives in a community residence facility that has a capacity for more than 50 residents or an Assisted Living Residence that has 17 or more residents shall receive a payment of \$741.20 per month, of which \$671.20 shall be used for room, board, and care and \$70.00 shall be retained by the recipient for clothing and personal needs. At no time shall the total number of persons receiving payments from the District pursuant to this subsection exceed 250 persons.

(e) In the event the SSI payment is increased on or after January 1, 1997, the total amount of any increase shall be added to the payment levels authorized by subsections (c) and (d) of this section and shall be used for room, board, and care. The Mayor may increase the payments for clothing and personal needs authorized by subsections (c) and (d) of this section through rulemaking pursuant to subsection (g) of this section.

(e-1)(1) Each District of Columbia resident who receives a Supplemental Security Income payment pursuant to this section and who lives in a community residence facility or an Assisted Living Residence shall receive an additional supplemental payment for room, board, and care.

(2) The additional supplemental payment shall be prorated based upon the amount of supplemental funds forwarded by the District to the federal Social Security Administration divided by the total population of Supplemental Security Income recipients who are residents of the District of Columbia and who live in a community residence facility or an Assisted Living Residence.

(3) This subsection shall apply on the later of the following:

(A) The date of written notice by the District to the federal government that the District intends to eliminate payments to noninstitutionalized SSI recipients;

(B) The date the Social Security Administration provides notice to noninstitutionalized SSI recipients whose supplemental payments are being eliminated; or

(C) January 1, 1997.

(f)(1) For the purposes of this section the term "Assisted Living Residence" shall have the same meaning as given the term in § 44-102.01(4).

(2) For the purposes of this section, the terms "nursing home" and "community residence facility" mean those terms as they are defined in § 44-501(a)(3) and (4).

(g) The Mayor may, pursuant to subchapter I of Chapter 5 of Title 2, set payment levels higher than those established by this section and, with respect to community residence facilities and Assisted Living Residences, vary payment levels according to subtypes different from, or in addition to, those recognized by subsections (c) and (d) of this section.

(h) The Mayor may enter into an agreement with the Secretary of the Department of Health and Human Services for the federal administration of supplemental payments. Payments made pursuant to this section shall be made as long as such payments are required by federal law.

(Apr. 6, 1982, D.C. Law 4-101, § 549, 29 DCR 1060; Mar. 10, 1983, D.C. Law 4-208, § 2(b), 30 DCR 202; June 25, 1986, D.C. Law 6-124, § 2(a), 33 DCR 2940; Feb. 27, 1998, D.C. Law 12-53, § 2(b), 44 DCR 6228; Mar. 20, 1998, D.C. Law 12-60, § 701(n), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-264, § 14, 46 DCR 2118; June 24, 2000, D.C. Law 13-127, § 1401, 47 DCR 2647.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.49.

Effect of Amendments

D.C. Law 13-127, in subsec. (c), added "or an Assisted Living Residence that has 16 or fewer residents" after "50 or fewer residents"; in subsec. (d) added "or an Assisted Living Residence that has 17 or more residents" after "50 or fewer residents"; in pars. (e-1)(1) and (2) added "or an Assisted Living Residence" after "community residence facility"; in subsec. (f) added a new sentence at the end, which reads "For the purposes of this section the term 'Assisted Living Residence' shall have the same meaning as given the term in section 201(4) of the Assisted Living Residence Act of 2000, Bill 13-107, passed by the Council on second reading February 1, 2000."; and, in subsec. (g) added "and Assisted Living Residences" after the phrase "community residence facilities".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(b) of Supplemental Security Income Payment Temporary Amendment Act of 1996 (D.C. Law 11-264, April 25, 1997, law notification 44 DCR 2862).

For temporary (225 day) amendment of section, see § 2(n), (o) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12-21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) amendment of section, see § 2(o) of Fiscal Year 1998 Revised Budget Support

Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

Emergency Act Amendments

For temporary amendment of section, see § 2(b) of the Supplemental Security Income Payment Emergency Amendment Act of 1996 (D.C. Act 11-488, January 2, 1997, 44 DCR 659), see § 2(b) of the Supplemental Security Income Payment Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-43, March 31, 1997, 44 DCR 2093), and see § 2(b) of the Supplemental Security Income Payment Second Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-202, December 2, 1997, 44 DCR 7495).

For temporary amendment of section, see § 2(n) and (o) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(n) and (o) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(n) and (o) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 4-208, see Historical and Statutory Notes following § 4-204.06.

Law 6-124, the "Public Assistance Amendments Act of 1986," was introduced in Council and assigned Bill No. 6-339, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on March 25, 1986, and April 15, 1986, respectively. Signed by the Mayor on May 2, 1986, it was assigned Act No. 6-160 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 12-53, see Historical and Statutory Notes following § 4-204.06.

Law 12-264, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

Law 13-127, the "Assisted Living Residence Regulatory Act of 2000," was introduced in Council and assigned Bill No. 13-107, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on January 4, 2000, and March 7, 2000, respectively. Signed by the Mayor on March 22, 2000, it was assigned Act No. 13-297 and transmitted to both Houses of Congress for its review. D.C. Law 13-127 became effective on June 24, 2000.

Delegation of Authority

Delegation of Authority Pursuant to the District of Columbia Public Assistance Act of 1982, see Mayor's Order 2006-50, April 13, 2006 (53 DCR 5299).

Miscellaneous Notes

Repeal of § 701(n) of Law 12-60: Section 14 of D.C. Law 12-264 provided that § 701(n) of the Fiscal Year 1998 Revised Budget Support Act of 1997, effective March 20, 1998 (D.C. Law 12-60; D.C. Code § 4-205.49(c)), is repealed.

§ 4-205.50. COSTS OF TRAINING AND EMPLOYMENT.

(a)-(d) Repealed.

(e) At the discretion of the Mayor and subject to annual appropriations, the Mayor may:

(1) Provide supportive services necessary for a member of an assistance unit to participate in or prepare for a mandatory job search, job readiness, or other work activity under TANF or a mandatory self-sufficiency activity under POWER; and

(2) Provide reimbursement for a recipient's expenses directly related to participation in a mandatory work activity under TANF or a mandatory self-sufficiency activity under POWER.

(Apr. 6, 1982, D.C. Law 4-101, § 550, 29 DCR 1060; Sept. 10, 1985, D.C. Law 6-35, § 2(h), 32 DCR 3778; June 25, 1986, D.C. Law 6-124, § 2(b), 33 DCR 2940; June 22, 1990, D.C. Law 8-144, § 2, 37 DCR 2974; Mar. 6, 1991, D.C. Law 8-202, § 2, 37 DCR 7937; Mar. 20, 1998, D.C. Law 12-60, § 701(p), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(II), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.50.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(m) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(p) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12-21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) amendment of section, see § 701(p) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

For temporary (225 day) amendment of section, see § 2(m) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(o) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(m) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(m) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(p) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(p) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(p) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

For temporary amendment of section, see § 2(m) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(o) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(o) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(o) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(o) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 6-35, see Historical and Statutory Notes following § 4-201.05.

For legislative history of D.C. Law 6-124, see Historical and Statutory Notes following § 4-205.49.

For legislative history of D.C. Law 6-124, see Historical and Statutory Notes following § 3-205.49.

Law 8-144, the "District of Columbia Family Support Act Federal Conformity Amendment Temporary Act of 1990," was introduced in Council and assigned Bill No. 8-543. The Bill was adopted on first and second readings on March 27, 1990, and April 10, 1990, respectively. Signed by the Mayor on April 26, 1990, it was assigned Act No. 8-200 and transmitted to both Houses of Congress for its review.

Law 8-202, the "District of Columbia Family Support Act Federal Conformity Amendment Act of 1990," was introduced in Council and assigned Bill No. 8-541, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on October 23, 1990, and November 13, 1990, respectively. Signed by the Mayor on November 30, 1990, it was assigned Act No. 8-268 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 4-205.51. DENIAL OF MONTHLY BENEFITS.

No assistance unit will receive TANF monthly benefits if the benefit check prior to adjustments is less than \$10. An assistance unit denied benefits as a result of this provision shall continue to be considered eligible for TANF for all other purposes.

(Apr. 6, 1982, D.C. Law 4-101, § 551, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(pp), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.51.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(pp) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(pp) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(pp) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(pp) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(pp) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary (90 day) addition of section, see § 522(f) of Fiscal Year 2011 Supplemental Budget Support Emergency Act of 2010 (D.C. Act 18-694, January 19, 2011, 58 DCR 662).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.51A. TANF UNIVERSAL SERVICE DELIVERY MODEL.

(a) By no later than September 30, 2011, the Mayor shall have adopted and fully implemented the TANF Universal Service Delivery Model, as created by the Department of Human Services, which shall:

- (1) Address customer needs based on personal and family circumstances, to the extent feasible;
- (2) Require orientation and a detailed assessment and referral to an appropriate array of services and supports, which shall be provided through:
 - (A) Contract job placement;
 - (B) Education and training vendors, and
 - (C) District agencies;
- (3) Emphasize education, training, and skills enhancement;
- (4) Assist customers in addressing and overcoming challenges that are barriers to employment;
- (5) Include financial disincentives to customers who without good cause remain unemployed;
- (6) Provide for participation with the TEP program;
- (7) Provide for an Individual Responsibility Plan for each customer; and
- (8) Include a system of sanctions for a customer who fails to participate or complete an Individual Responsibility Plan.

(b) A nonexempt customer who fails to participate or complete an Individual Responsibility Plan shall be subject to a progressive, graduated sanction policy, as established by the Department of Human Services. Each level of sanctions shall reduce further the maximum grant a customer will be eligible to receive.

(c) The Mayor shall submit a draft plan of the TANF Universal Service Delivery Model to the Council for its review by March 1, 2011.

(Apr. 6, 1982, D.C. Law 4-101, § 551a, as added Apr. 8, 2011, D.C. Law 18-370, § 522(e), 58 DCR 1008.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-370, see notes under § 4-202.05.

Editor's Notes

Former § 4-205.51a has been recodified as § 4-205.51b.

§ 4-205.51B. ANNUAL COMPARATIVE REVIEW.

(a) *In general.* -- The Council of the District of Columbia shall annually review and adjust the amount of the monthly assistance payment that may be made under the Temporary Assistance for Needy Families Program so that such payment is comparable with the monthly assistance payments made under such program in Maryland and Virginia counties that are contiguous to the District of Columbia.

(b) *Effective date.* -- Subsection (a) shall apply with respect to fiscal year 1998 and each succeeding fiscal year.

(Nov. 19, 1997, 111 Stat. 2185, Pub. L. 105-100, § 153)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 4-205.51a

1981 Ed., § 3-205.51a.

§ 4-205.52. DETERMINATION OF AMOUNT OF PUBLIC ASSISTANCE PAYMENTS FOR ASSISTANCE UNIT; STANDARDS OF ASSISTANCE ENUMERATED.

(a) To determine the TANF, POWER or GAC payment for an assistance unit, the Mayor shall subtract any income of the assistance unit, after applicable disregards, from the current payment level for a family that is the size of the assistance unit.

(b) Repealed.

(c) The standards of assistance are set forth in the following table and include a portion of basic costs of food, clothing, shelter, household and personal items, and certain transportation costs:

STANDARDS OF ASSISTANCE

| Family Size | Standard of Assistance | Payment Level |
|----------------|---------------------------|------------------|
| 1 | \$ 450.00 | \$ 239.00 |
| 2 | 560.00 | 298.00 |
| 3 | 712.00 | 379.00 |
| 4 | 870.00 | 463.00 |
| 5 | 1,002.00 | 533.00 |
| 6 | 1,178.00 | 627.00 |
| 7 | 1,352.00 | 719.00 |
| 8 | 1,494.00 | 795.00 |
| 9 | 1,642.00 | 874.00 |
| 10 | 1,786.00 | 950.00 |
| 11 | 1,884.00 | 1,002.00 |
| 12 | 2,024.00 | 1,077.00 |
| 13 | 2,116.00 | 1,126.00 |
| 14 | 2,232.00 | 1,187.00 |
| 15 | 2,316.00 | 1,232.00 |
| 16 | 2,432.00 | 1,294.00 |
| 17 | 2,668.00 | 1,419.00 |
| 18 | 2,730.00 | 1,452.00 |

(c-1) Repealed.

(c-2) The level of public assistance payment for assistance units subject to § 4-205.11b shall be equal to the current payment level for the assistance unit, established by subsection (d) of this section, less 20% after February 1, 2011.

(c-3) In addition to the reduction set forth in subsection (c-2) of this section, the following adjustments shall be made to the level of public assistance payment for assistance units subject to § 4-205.11b:

- (1) For fiscal year 2014, a reduction of 25% of the fiscal year 2013 amount;
- (2) For fiscal year 2015, a reduction of 41.7% of the fiscal year 2014 amount; and
- (3) For fiscal year 2016 and thereafter, no benefits shall be provided.

(d) The table set forth in subsection (c) of this section shall apply to payments made after January 31, 1998. The level of public assistance payments for assistance units and the standards of assistance in subsection (c) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of subchapter I of Chapter 5 of Title 2.

(e) A recipient of public assistance may not make a claim for any cost-of-living adjustment in assistance payments that have not been paid prior to December 29, 1994, and would have been paid but for the enactment of the Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991, effective August 17, 1991 (D.C. Law 9-27; 38 DCR 5794).

(f) A recipient of public assistance may not make a claim for any adjustment in assistance payments that have not been paid prior to December 29, 1994, and would have been paid but for the enactment of the Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991, effective August 17, 1991 (D.C. Law 9-27; 38 DCR 5794).

(Apr. 6, 1982, D.C. Law 4-101, § 552, 29 DCR 1060; May 19, 1982, D.C. Law 4-108, § 3, 29 DCR 1413; Aug. 10, 1984, D.C. Law 5-100, § 2, 31 DCR 2896; Apr. 11, 1986, D.C. Law 6-106, § 2, 33 DCR 1165; June 25, 1986, D.C. Law 6-124, § 2(c), 33 DCR 2940; Mar. 11, 1988, D.C. Law 7-86, § 2(a), 35 DCR 140; Aug. 17, 1991, D.C. Law 9-27, § 2(g), 38 DCR 4205; Sept. 26, 1995, D.C. Law 11-52, § 502(e), 42 DCR 3684; Oct. 27, 1995, D.C. Law 11-72, § 201(f), 42 DCR 4728; Apr. 18, 1996, D.C. Law 11-110, § 9(b), 43 DCR 530; Apr. 9, 1997, D.C. Law 11-199, § 302, 43 DCR 4569; Aug. 1, 1996, D.C. Law 11-152, § 101(a), 43 DCR 2978; Apr. 9, 1997, D.C. Law 11-198, § 302, 43 DCR 4569; Apr. 20, 1999, D.C. Law 12-241, § 2(qq), 46 DCR 905; Apr. 8, 2011, D.C. Law 18-370, § 522(f), 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 5022, 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 5172, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.52.

Effect of Amendments

D.C. Law 18-370 added subsec. (c-2).

D.C. Law 19-21 added subsec. (c-3).

D.C. Law 19-168 rewrote subsec. (c-3), which formerly read:

"(c-3) In addition to the reduction set forth in subsection (c-2) of this section, the following adjustments shall be made to the level of public assistance payment for assistance units subject to § 4-205.11b:

"(1) For fiscal year 2013, a reduction of 25% of the fiscal year 2012 amount;

"(2) For fiscal year 2014, a reduction of 41.7% of the fiscal year 2013 amount; and

"(3) For fiscal year 2015 and thereafter, no benefits shall be provided."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 101(g) of Omnibus Budget Support Temporary Act of 1991 (D.C. Law 9-19, June 21, 1991, law notification 38 DCR 5786).

For temporary (225 day) amendment of section, see § 2 of Public Assistance and Day Care Policy Temporary Amendment Act of 1994 (D.C. Law 10-208, March 14, 1995, law notification 42 DCR 1568).

For temporary (225 day) amendment of section, see § 502(e) of Multiyear Budget Spending Reduction and Support Temporary Act of 1995 (D.C. Law 10-253, March 23, 1995, law notification 42 DCR 1652).

For temporary (225 day) amendment of section, see § 2(b) of Human Services Spending Reduction Temporary Amendment Act of 1995 (D.C. Law 11-29, July 25, 1995, law notification 42 DCR 4002).

Section 507 of D.C. Law 11-52 repealed D.C. Law 10-208.

For temporary repeal of the Public Assistance and Day Care Policy Temporary Amendment Act of 1994, enacted November 22, 1994, enacted November 22, 1994, see § 507 of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

For temporary (225 day) amendment of section, see § 302 of Fiscal Year 1997 Budget Support Temporary Amendment Act of 1996 (D.C. Law 11-226, April 9, 1997, law notification 44 DCR 2584).

For temporary (225 day) amendment of section, see § 2(n), (x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(n), (x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(qq) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 101(g) of the Omnibus Budget Support Emergency Act of 1991 (D.C. Act 9-37, May 17, 1991, 38 DCR 3390).

For temporary amendment of section, see § 101(g) of the Omnibus Budget Support Congressional Recess Emergency Act of 1991 (D.C. Act 9-69, July 24, 1991, 38 DCR 4945).

For temporary amendment of section, see § 2 of the Public Assistance and Day Care Policy Emergency Amendment Act of 1994 (D.C. Act 10-326, October 21, 1994, 41 DCR 7153).

For temporary amendment of section, see § 502(e) of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994 (D.C. Act 10-389, December 29, 1994, 42 DCR 197).

For temporary amendment of section, see § 2(b) of the Human Services Spending Reduction Emergency Amendment Act of 1995 (D.C. Act 11-35, April 11, 1995, 42 DCR 1834) and § 2(b) of the Human Services Spending Reduction Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-104, July 21, 1995, 42 DCR 4014).

For temporary amendment of section, see § 502(e) of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

For temporary amendment of section, see § 101 of the Fiscal Year 1996 Budget Support Emergency Act of 1996 (D.C. Act 11-264, April 26, 1996, 43 DCR 2412).

For temporary amendment of section, see § 2(a) of the Emergency and Public Assistance Emergency Amendment Act of 1996 (D.C. Act 11-277, May 29, 1996, 43 DCR 2971).

For temporary repeal of § 101 and 102 of the Fiscal Year 1996 Budget Support Emergency Act of 1996, effective April 26, 1996 (D.C. Act 11-264), see § 4 of the Emergency and Public Assistance Emergency Amendment Act of 1996 (D.C. Act 11-277, May 29, 1996, 43 DCR 2971).

For temporary amendment of section, see § 302 of the Fiscal Year 1997 Budget Support Emergency Act of 1996 (D.C. Act 11-302, July 25, 1996, 43 DCR 4181), and § 302 of the Fiscal Year 1997 Budget Support Congressional Adjournment Emergency Amendment Act of 1997 (D.C. Act 12-2, February 19, 1997, 44 DCR 1590).

For temporary amendment of section, see § 101(a) of the Fiscal Year 1996 Budget Support Congressional Review Emergency Act of 1996 (D.C. Act 11-335, August 1, 1996, 43 DCR 4256).

For temporary amendment of section, see § 302 of the Fiscal Year 1997 Budget Support Emergency Amendment Act of 1996 (D.C. Act 11-429, October 29, 1996, 43 DCR 6151), and see § 302 of the Fiscal Year 1997 Budget Support Congressional Adjournment Emergency Amendment Act of 1997 (D.C. Act 12-2, February 19, 1997, 44 DCR 1590).

For temporary amendment of section, see § 2 of the Public Assistance Reduction Emergency Amendment Act of 1996 (D.C. Act 11-492, January 8, 1997, 44 DCR 763).

For temporary amendment of section, see § 2(n) and (x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(n) and (x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(n) and (x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(qq) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(qq) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(qq) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(qq) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary (90 day) amendment of section, see § 522(c) of Fiscal Year 2011 Supplemental Budget Support Emergency Act of 2010 (D.C. Act 18-694, January 19, 2011, 58 DCR 662).

For temporary (90 day) amendment of section, see § 2 of Temporary Assistance for Needy Families Time Delay Emergency Amendment Act of 2012 (D.C. Act 19-450, September 30, 2012, 59 DCR 11093).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

Law 4-108, the "District of Columbia Administration of Oaths, Public Assistance Technical Clarification, and Police Service and Fire Service Schedule Approval Act of 1982," was introduced in Council and assigned Bill No. 4-397, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on February 23, 1982 and March 9, 1982, respectively. Signed by the Mayor on March 26, 1982, it was assigned Act No. 4-169 and transmitted to both Houses of Congress for its review.

Law 5-100, the "Public Assistance Payments Increase Act of 1984," was introduced in Council and assigned Bill No. 5-371, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on April 30, 1984, and May 15, 1984, respectively. Signed by the Mayor on June 6, 1984, it was assigned Act No. 5-141 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 6-124, see Historical and Statutory Notes following § 4-205.49.

For legislative history of D.C. Law 7-86, see Historical and Statutory Notes following § 4-206.03.

For legislative history of D.C. Law 9-27, see Historical and Statutory Notes following § 4-205.05a.

For legislative history of D.C. Law 11-72, see Historical and Statutory Notes following § 4-205.61.

For legislative history of D.C. Law 11-110, see Historical and Statutory Notes following § 4-205.11.

Law 11-152, the "Fiscal Year 1996 Budget Support Act of 1996," was introduced in Council and assigned Bill No. 11-655, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 2, 1996, and May 7, 1996, respectively. Signed by the Mayor on May 28, 1996, it was assigned Act No. 11-279 and transmitted to both Houses of Congress for its review. D. C. Law 11-152 became effective on August 1, 1996.

Law 11-198, the "Fiscal Year 1997 Budget Support Act of 1996," was introduced in Council and assigned Bill No. 11-741, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 19, 1996, and July 3, 1996, respectively. Signed by the Mayor on July 26, 1996, it was assigned Act No. 11-360 and transmitted to both Houses of Congress for its review. D.C. Law 11-198 became effective on April 9, 1997.

For legislative history of D.C. Law 12-7, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For history of Law 18-370, see notes under § 4-202.05.

For history of Law 19-21, see notes under § 4-204.07.

For history of Law 19-168, see notes under § 4-202.05.

Delegation of Authority

Delegation of Authority Pursuant to the District of Columbia Public Assistance Act of 1982, see Mayor's Order 2006-50, April 13, 2006 (53 DCR 5299).

Miscellaneous Notes

Expiration of Law 11-72: See note to § 4-205.01.

Application of provisions of Law 11-198: Section 1001 of D.C. Law 11-198 provides that titles I, II, III, V, and VI and sections 405 and 406 of the act shall apply after September 30, 1996.

Short title: Section 5021 of D.C. Law 19-21 provided that subtitle C of title V of the act may be cited as "Office of Asian and Pacific Islander Affairs Grant-Making Authority Amendment Act of 2011".

Short title: Section 5171 of D.C. Law 19-168 provided that subtitle R of title V of the act may be cited as "Temporary Assistance for Needy Families Fiscal Year 2013 Reduction Delay Amendment Act of 2012".

Section 5173 of D.C. Law 19-168 provides:

"Sec. 5173. This subtitle shall apply upon certification by the Chief Financial Officer that sufficient revenue is available in the June 2012, September 2012, or December 2012 revenue estimates to fund section 10002(a)(1) and (2) of the Revised Revenue Estimate Contingency Priority List Act of 2012, passed on 2nd reading on June 5, 2012 (Enrolled version of Bill 19-743)."

§ 4-205.53. RECONSIDERATION OF GRANTS; MODIFICATION OF AMOUNT; DUTY OF RECIPIENT TO NOTIFY MAYOR OF CHANGE OF CIRCUMSTANCES; GRANTS UNDER GENERAL PUBLIC ASSISTANCE PROGRAM FOR UNEMPLOYABLES.

(a) All public assistance grants made under this chapter shall be reconsidered by the Mayor as frequently as he or she may deem necessary, but in every case the Mayor shall make such reconsiderations at least once in each year. After such further investigation as the Mayor may deem necessary, the amount of public assistance may be changed, or may be entirely withdrawn, if the Mayor finds that any such grant has been made erroneously, or if he or she finds that the recipient's circumstances have altered sufficiently to warrant such action. If at any time during the continuance of public assistance the recipient becomes possessed of resources in excess of the amount previously reported by the recipient, or if other changes occur in the nonfinancial circumstances previously reported by the recipient that would alter either the recipient's need or eligibility, it shall be the recipient's duty to notify the Mayor of this information immediately upon the receipt or possession of the additional resources, or upon the change in circumstances. A recipient shall inform the Mayor whenever the recipient begins to receive earned income, if the recipient did not earn income previously, and whenever the recipient ceases to receive earned income. The recipient shall inform the Mayor as soon as the recipient becomes aware that a change will occur, rather than waiting to inform the Mayor in the periodic report required under § 4-205.54.

(b)-(d) Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 553, 29 DCR 1060; Aug. 17, 1991, D.C. Law 9-27, § 2(h), 38 DCR 4205; Feb. 5, 1994, D.C. Law 10-68, § 10(e), 40 DCR 6311; Mar. 20, 1998, D.C. Law 12-60, § 701(q), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(rr), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.53.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 101(h) of Omnibus Budget Support Temporary Act of 1991 (D.C. Law 9-19, June 21, 1991, law notification 38 DCR 5786).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(q) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12- 21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) amendment of section, see § 701(q) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(rr) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 101(h) of the Omnibus Budget Support Emergency Act of 1991 (D.C. Act 9-37, May 17, 1991, 38 DCR 3390).

For temporary amendment of section, see § 101(h) of the Omnibus Budget Support Congressional Recess Emergency Act of 1991 (D.C. Act 9-69, July 24, 1991, 38 DCR 4945).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and see § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(q) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(q) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(q) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(rr) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(rr) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(rr) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(rr) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 9-27, see Historical and Statutory Notes following § 4-205.05a.

For legislative history of D.C. Law 10-68, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-21, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 4-205.54. TANF ASSISTANCE UNIT MONTHLY REPORT.

(a) Each TANF assistance unit whose members have earned income or recent work history and each assistance unit that has income deemed to it from individuals living with the unit who have earned income or a recent work history shall report periodically, as determined by the Mayor, on:

- (1) The family's income, composition, and other circumstances relevant to the amount of the assistance payment during the reporting period specified by the Mayor;
- (2) Any changes in income, resources, or other relevant circumstances (as defined by the Mayor) affecting continued eligibility which the family expects to occur in the current reporting period or future reporting period; and
- (3) If appropriate, stepparent's income and alien sponsor's income and resources.

(a-1) The periodic reporting form sent by the Mayor to a recipient shall notify the recipient that failure to provide timely, accurate, and complete information may result in grant reduction or termination.

(b) The Mayor shall establish a consistent time frame for submission of periodic reports and for submission of information concerning any change in earnings affecting eligibility between reports.

(c) When the Mayor receives a complete report within the required time frame specified by the Mayor, the Mayor shall promptly change or terminate assistance payments, as may be appropriate, on the basis of information contained in the periodic report. Timely and accurate reporting of increases in previously-reported income shall result only in adjustments of future payments without retroactive penalty for overpayment. Timely and accurate reporting of decreases in previously-reported income shall result only in adjustments of future payments without retroactive adjustments for underpayments. Written notices of a change or termination must be adequate, as defined in § 4-205.55(a)(2), and must be postmarked no later than 15 days before the date that the recipient would receive the changed payment, or would have received payment if assistance had not been terminated. A recipient has 90 days from the date the notice is postmarked to request a fair hearing. The recipient's assistance shall be paid pending the hearing only if such payment is required under § 4-205.59.

(d) If the recipient fails to file a report on time, without good cause, or if the report filed is incomplete, the Mayor shall take prompt action to terminate assistance. The Mayor shall mail the recipient written notice if assistance is being terminated as a result of failure to file or complete a report. The notice must be adequate as defined by § 4-205.55(a)(2). The notice must be postmarked no later than 15 days prior to the date the recipient would have received payment if assistance had not been terminated. A recipient has 90 days from the date the notice is postmarked to request a fair hearing. The recipient's assistance shall be paid pending the hearing only if such payment is required under § 4-205.59. If the recipient files a completed report that is received by the Mayor on or before the last day of the month in which the notice was postmarked, the Mayor shall accept this late report and shall make a payment based on the information in the report if the information reliably indicates that the recipient is still eligible for TANF. The payment in the next month shall reflect a penalty for late filing, if the Mayor determines the recipient did not have good cause for late filing. As a penalty for late filing, earned income shall not be disregarded in determining TANF eligibility and benefit levels. Payment in the month after receipt of a late report may be delayed. If the recipient is found ineligible for TANF, based on information in the late report, or eligible for an amount less than the prior period's payment, the Mayor shall promptly send the recipient written notice of the change, suspension, or termination. The written notice must be adequate as defined by § 4-205.55(a)(2). The recipient shall have 90 days from the date that the notice is postmarked to request a hearing. The recipient's assistance shall be paid pending the hearing only if such payment is required under § 4-205.59.

(e) If a recipient has earned income, and fails to file a report of that income on time, without good cause, the earned income, child care, and work expenses disregards shall not be allowed for the month that was to be reported on.

(f) The Mayor may require periodic reporting by any TANF recipient, or category of TANF recipients that has earned income or meets criteria, who the Mayor determines, pursuant to rules promulgated by the Mayor, is likely to calculate income eligibility erroneously.

(g) Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 554, 29 DCR 1060; Mar. 14, 1985, D.C. Law 5-150, § 2(g), 31 DCR 6425; Sept. 10, 1985, D.C. Law 6-35, § 2(i), 32 DCR 3778; Apr. 20, 1999, D.C. Law 12-241, § 2(ss), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.54.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(ss) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(ss) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ss) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ss) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ss) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 5-150, see Historical and Statutory Notes following § 4-205.05.

For legislative history of D.C. Law 6-35, see Historical and Statutory Notes following § 4-202.05.

For legislative history of D.C. Law 12-7, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-130, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-230, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.55. TIMELY AND ADEQUATE NOTICE OF ACTION TO DISCONTINUE, ETC., ASSISTANCE.

(a) The Mayor shall give timely and adequate notice in cases of intended action to discontinue, withhold, terminate, suspend, reduce assistance, or make assistance subject to additional conditions, or to change the manner or form of payment to a protective, vendor, or 2-party payment.

(1) "Timely" means that the notice is postmarked at least 15 days before the date upon which the action would become effective, except as provided in § 4-205.54(d).

(2) "Adequate" means that the written notice includes a statement of what action the Mayor intends to take, the reasons for the intended action, the specific law and regulations supporting the action, an explanation of the individual's right to request a hearing, and the circumstances under which assistance will be continued if a hearing is requested.

(b) The Mayor may dispense with timely notice, but shall send adequate notice no later than the date upon which the action would become effective when:

(1) The Mayor has factual information confirming the death of a recipient or of the TANF or POWER payee when there is no relative available to serve as new payee;

(2) The Mayor receives a clear written statement signed by a recipient that states that he or she no longer wishes assistance, or that gives information that requires termination or reduction of assistance,

and the recipient has indicated, in writing, that he or she understands the consequence of supplying this information;

(3) The recipient's whereabouts are unknown and mail sent to him or her has been returned by the post office indicating no known forwarding address. (If the recipient's whereabouts become known during the payment period covered by a returned check, the recipient's check shall be made available to him or her by the Mayor.);

(4) The recipient has been accepted for assistance in a new jurisdiction and that fact has been previously established by the Mayor; or

(5) A special allowance granted for a specific period is terminated and the recipient had been informed in writing at the time the allowance was granted that the allowance shall automatically terminate at the end of the specified period.

(c) When changes in District of Columbia law require automatic grant adjustments for classes of recipients, timely notice of these grant adjustments shall be given, which shall be deemed "adequate" if it includes a statement of the intended action, the reasons for the intended action, a statement of the specific change in law requiring the action, and a statement of the circumstances under which a hearing may be obtained and assistance continued.

(Apr. 6, 1982, D.C. Law 4-101, § 555, 29 DCR 1060; Sept. 10, 1985, D.C. Law 6-35, § 2(j), 32 DCR 3778; Apr. 20, 1999, D.C. Law 12-241, § 2(tt), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.55.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(mm) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2 of the Temporary Assistance for Needy Families Notice Requirement Emergency Amendment Act of 1997 (D.C. Act 12-44, March 31, 1997, 44 DCR 2096).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(tt), § 2(tt) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(tt) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(tt) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 6-35, see Historical and Statutory Notes following § 4-202.05.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.56. INFORMATION FROM SOURCE OTHER THAN RECIPIENT.

(a) When the information that is the basis for reduction or termination of payment comes from a source other than the recipient, the representative of the Mayor shall discuss the information with the recipient and notify him or her in writing that if the recipient does not agree with or accept the information, he or she has 15 days to present additional information, or, in lieu thereof, to request a fair hearing.

(b) In arranging the appointment for the discussion, the representative of the Mayor shall advise the recipient of his or her right to bring other persons with him or her who have knowledge of his or her situation, including a legal representative if he or she so desires.

(Apr. 6, 1982, D.C. Law 4-101, § 556, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(uu), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.56.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(uu) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(uu) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(uu) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(uu) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(uu) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.57. CONSEQUENCES OF FAILURE TO REQUEST HEARING OR SUBMIT ADDITIONAL INFORMATION TO CLARIFY ELIGIBILITY.

If, after 15 days from the date of postmark of the written notice, the recipient does not request a fair hearing, or if applicable, does not submit additional information to clarify his eligibility status, the representative of the Mayor shall take immediate action to reduce or terminate the assistance payment, and shall notify the recipient in writing of the action taken, and its effective date.

(Apr. 6, 1982, D.C. Law 4-101, § 557, 29 DCR 1060; Sept. 10, 1985, D.C. Law 6-35, § 2(k), 32 DCR 3778.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.57.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 6-35, see Historical and Statutory Notes following § 4-202.05.

§ 4-205.58. CONSIDERATION OF ADDITIONAL INFORMATION.

If the recipient submits additional information, the representative of the Mayor will give it due consideration to determine whether the information changes the Mayor's previous decision to reduce or terminate the assistance payment, and will notify the recipient accordingly, advising him or her of his or her right to a fair hearing.

(Apr. 6, 1982, D.C. Law 4-101, § 558, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.58.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.59. EFFECT OF PENDING HEARING.

(a) If the recipient requests a hearing before the date that the termination, suspension, or reduction of aid is to become effective, assistance shall not be discontinued, withheld, terminated, suspended, reduced or made subject to additional conditions, nor may the manner or form of payment be changed to a protective,

vendor, or 2-party payment until: (1) the request for a hearing has been withdrawn; (2) a change affecting the recipient's grant occurs while the hearing is pending and the recipient fails to request a hearing after notice of the change; (3) a determination is made at the hearing that the sole issue is one of law and not of incorrect grant computation; or (4) a decision is rendered by the Mayor after a hearing and this decision upholds the Mayor in his or her action to alter the amount or conditions of the public assistance grant.

(b) Repealed.

(c) In any case in which action was taken without timely notice, when timely notice is required by law, and the recipient requests a hearing within 10 days of the postmark of the written notice of the action, the Mayor shall reinstate assistance within 96 hours of the request for a hearing and assistance shall not be discontinued, withheld, terminated, suspended, reduced or made subject to additional conditions, nor may the manner or form of payment be changed to a protective, vendor, or 2-party payment until: (1) a determination is made at the hearing that the sole issue is one of law and not of incorrect grant computation; or (2) a decision is rendered by the Mayor after a hearing and this decision upholds the Mayor in his or her action to alter the amount or conditions of the public assistance grant.

(d) A request for a hearing made more than 10 days after the date upon which the action would become effective but within the time limits of § 4-210.09 shall be honored but shall not result in the continuation of disputed benefits. If the claimant's position is upheld by the hearing decision, the Mayor shall promptly make corrective payments retroactively to the date the incorrect action was taken.

(Apr. 6, 1982, D.C. Law 4-101, § 559, 29 DCR 1060; Sept. 10, 1985, D.C. Law 6-35, § 2(l), 32 DCR 3778; Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.59.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(w) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(w) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(w) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(w) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(w) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 6-35, see Historical and Statutory Notes following § 4-202.05.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Editor's Notes

Near the beginning of the first sentence of subsection (d), "days" was inserted following "10," to correct an apparent omission in D.C. Law 6-35.

§ 4-205.60. BENEFITS PENDING HEARING.[REPEALED]

(Sept. 10, 1985, D.C. Law 6-35, § 2(m), 32 DCR 3778.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.60.

Legislative History of Laws

For legislative history of D.C. Law 6-35, see Historical and Statutory Notes following § 4-202.05.

§ 4-205.61. DEFINITIONS.

For the purposes of §§ 4-205.62 through 4-205.68, the term:

- (1) "Board" means the District of Columbia Board of Education.
- (2) "Ceased to attend school" means a pregnant or parenting teen has 20 or more consecutive full days of unexcused absences from school.
- (3) "Child care" means care, supervision, and guidance for children for less than 24 hours per day per child in any licensed child development facility.
- (4) "Department" means the Department of Human Services.
- (5) "Dropout" means a pregnant or parenting teen who has:
- (A) Ceased to attend school; or
 - (B) Has not graduated from high school or received a general educational equivalency diploma or certificate of completion from an alternative course of study approved by the Board; and
 - (C) Does not meet the school attendance requirements of § 4-205.65.
- (6) "High school equivalency diploma" means a certificate of educational achievement issued under the regulations and requirements of the District of Columbia Public Schools.
- (7) "Pregnant or parenting teen" means a person who has a child or children, or is pregnant in the third trimester of the first pregnancy, and is under 18 years of age.

(Apr. 6, 1982, D.C. Law 4-101, § 561, as added Oct. 27, 1995, D.C. Law 11-72, § 101, 42 DCR 4728.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.61.

Legislative History of Laws

Law 11-72, the "Public Assistance Self-Sufficiency Program Amendment Act of 1995," was introduced in Council and assigned Bill No. 11-62, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 6, 1995, and July 29, 1995, respectively. Signed by the Mayor on August 16, 1995, it was assigned Act No. 11-139 and transmitted to both Houses of Congress for its review. D.C. Law 11-72 became effective on October 27, 1995.

Miscellaneous Notes

Expiration of Law 11-72: See note to § 4-205.01.

§ 4-205.62. ESTABLISHMENT OF A DEMONSTRATION PROJECT.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 562, as added Oct. 27, 1995, D.C. Law 11-72, § 101, 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 4(b), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.62.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 4(b) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 4(b) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(b) of the Self-Sufficiency Promotion Legislature Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(b) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(b) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.63. ELIGIBILITY FOR PUBLIC ASSISTANCE; HOME LIVING REQUIREMENT.

(a) This section shall apply to all applicants for, and recipients of, TANF benefits.

(b) An applicant or recipient of TANF benefits who is a pregnant or parenting teen and who has never married shall be eligible for TANF benefits only if the teen and the teen's child reside in a residence maintained by the pregnant or parenting teen's parent or legal guardian, or another adult relative of the pregnant or parenting teen that is the home of the parent, guardian, or adult relative, as determined by the Mayor, unless:

(1) The pregnant or parenting teen has no living parent, legal guardian, or other appropriate adult relative;

(2) No parent, legal guardian, or other appropriate adult relative who could otherwise qualify to act as the pregnant or parenting teen's legal guardian allows the pregnant or parenting teen to live in his or her home;

(3) The Department determines, after an investigation in accordance with regulations issued by the Mayor, that the physical or emotional health or safety of the applicant, recipient, or dependent child would be jeopardized if they resided in the same residence with the teen's parent, legal guardian, or other adult relative; or

(4) The Department determines, in accordance with regulations issued by the Mayor, that the circumstances justify a determination of good cause for the applicant or recipient and dependent child to receive assistance while living apart from the pregnant or parenting teen's parent, guardian, or other adult relative (with standards set forth in the regulations including consideration of the best interests of the dependent child).

(c) For purposes of the investigation made pursuant to subsection (b)(4) of this section, investigations shall be carried out by licensed social workers. Other trained professionals, such as doctors, nurses, or physiologists, who are deemed necessary to make sound health and safety determinations by the Department, may also be utilized.

(d) When a pregnant or parenting teen and the applicant's or recipient's dependent child are required to live with the pregnant or parenting teen's parent, legal guardian, or other adult relative, or in a setting described in subsection (e) of this section, then TANF may be paid in the form of a protective payment.

(e)(1) If the pregnant or parenting teen is exempt from the home living requirement under subsection (b) of this section, the Department shall provide or assist the pregnant or parenting teen in locating a second chance home, as defined in paragraph (2) of this subsection, a maternity home, or other appropriate adult-supervised supportive living arrangement, unless the Department determines that the pregnant or parenting teen's current living arrangement is appropriate. The Department shall consider the needs and concerns of the pregnant or parenting teen and the pregnant or parenting teen's child in providing or assisting in locating a living arrangement for the pregnant or parenting teen. The Department shall then determine the appropriate living arrangement for the pregnant or parenting teen and require that the pregnant or parenting teen and the dependent child live in such a living arrangement as a condition of continued receipt of TANF benefits. If the Department determines that the pregnant or parenting teen's circumstances have changed and the current arrangement ceases to be appropriate, the pregnant or parenting teen may live in an alternative appropriate arrangement and continue to receive TANF benefits.

(2) For the purposes of this subsection, the term "second chance home" means an entity that provides individuals described in subsection (b)(1), (2), (3) and (4) of this section with a supportive and supervised living arrangement in which they are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children.

(Apr. 6, 1982, D.C. Law 4-101, § 563, as added Oct. 27, 1995, D.C. Law 11-72, § 101, 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 4(c), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.63.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 4(a) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 4(a) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 4(c) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 4(a) of the Public Assistance Emergency Amendment Act of

1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 4(a) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 4(a) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 4(c) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(c) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(c) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(c) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 11-72, see Historical and Statutory Notes following § 4-205.61.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Expiration of Law 11-72: See note to § 4-205.01.

§ 4-205.64. FAILURE TO MEET HOME LIVING REQUIREMENT; NOTICE.

(a) In accordance with regulations issued by the Mayor, a pregnant or parenting teen subject to the provisions of § 4-205.63 shall be informed of the eligibility requirements and the pregnant or parenting teen's rights and obligations. The Department shall advise the pregnant or parenting teen of the exemptions from the home living requirement as outlined in § 4-205.63(b) and (e). The Department shall determine whether one or more of these exemptions is applicable. The Department shall also assist the pregnant or parenting teen in attaining the necessary verifications if the teen alleges one or more of the exemptions. The pregnant or parenting teen shall not be required to obtain verification or take steps that could endanger the pregnant or parenting teen's health or safety or that of the pregnant or parenting teen's child. The regulations shall include provisions to ensure that the pregnant or parenting teen understands his or her rights under this subchapter, the meaning of each exemption under § 4-205.63, and is given an opportunity to speak with the Department outside of the presence of the pregnant or parenting teen's parent, legal guardian, or other adult relative.

(b) If the pregnant or parenting teen or the pregnant or parenting teen's parent, legal guardian, or other adult relative does not request a fair hearing pursuant to § 4-210.05, or, if after a fair hearing has been held, the hearing officer finds that the teen is not exempt from the home living requirement and has otherwise failed to meet the requirements of § 4-205.63, the Department shall, after providing adequate and timely notice, render the pregnant or parenting teen ineligible for TANF benefits in the next possible payment month. The pregnant or parenting teen's ineligibility shall not affect the eligibility for TANF benefits of a child living with the pregnant or parenting teen who, if otherwise eligible, may receive TANF benefits determined without regard to the needs of the ineligible pregnant or parenting teen.

(Apr. 6, 1982, D.C. Law 4-101, § 564, as added Oct. 27, 1995, D.C. Law 11-72, § 101, 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 4(d), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.64.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 4(b) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 4(b) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 4(d) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 4(c) [§ 4(b)] of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 4(b) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 4(b) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 4(d) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(d) of the Self-Sufficiency Promotion

Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(d) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(d) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 11-72, see Historical and Statutory Notes following § 4-205.61.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Expiration of Law 11-72: See note to § 4-205.01.

§ 4-205.65. ELIGIBILITY FOR PUBLIC ASSISTANCE; LEARNFARE.

(a)(1) As a condition of eligibility for federally-funded TANF benefits, a pregnant or parenting teen who is not married and has not successfully completed a high school education or its equivalent shall be required to attend school regularly (as defined by the Board or other entity that determines the attendance policies at the pregnant or parenting teen's educational institution or program) or be determined ineligible for federally-funded TANF benefits.

(2) The requirements of paragraph (1) of this subsection shall not affect the eligibility for TANF benefits of a child living with a pregnant or parenting teen who, if otherwise eligible, may receive TANF benefits determined without regard to the needs of the ineligible pregnant or parenting teen.

(b) The types of schools that can be attended to meet the school attendance requirements of subsection (a) of this subsection are as follows: a public school, private school, independent school, parochial school, private instruction, or a course of study or home school program meeting the standards established by the Board for granting a high school equivalency diploma.

(c) A pregnant or parenting teen who fails to meet the school attendance requirements set forth in subsection (a) of this section shall be provided counseling, tutoring, or other supportive services deemed appropriate by the Department to help the pregnant or parenting teen improve school attendance, or in the case of a drop-out, to return to school. Such supportive services will be provided as appropriations are available and in accordance with regulations issued by the Mayor.

(d) The determination of a pregnant or a parenting teen's ineligibility for federally-funded TANF benefits made pursuant to subsection (a) of this section shall be effective for one month for each month that the pregnant or parenting teen fails to meet the school attendance requirements set forth in subsection (a) of this section. In the case of a dropout, the sanctions shall remain in force until the dropout provides written proof from a school that the dropout has re-enrolled in school and met the school attendance requirements of subsection (a) of this section for one calendar month. Any month in which school is in session for at least 10 days may be used to meet the school attendance requirements.

(e) If the Department determines that a pregnant or parenting teen who has been determined ineligible for federally-funded TANF benefits pursuant to subsection (a) of this section has satisfied the requirements of subsection (d) of this section, the determination of ineligibility for federally-funded TANF benefits shall be rescinded in the next possible payment month. The pregnant or parenting teen shall not receive payment for the remainder of the month in which compliance occurs. The first payment that resumes after the pregnant or parenting teen complies with subsection (d) of this section may be delayed, depending on the date of compliance.

(f) A pregnant or parenting teen's absence on any particular day shall be determined to be an excused or an unexcused absence based on the policies of the Board or other entity that determines the attendance policies at the teen's educational institution or program. Notwithstanding such policies, a pregnant or parenting teen's absence on a particular day shall be excused under the following circumstances:

(1) The Department determines, in accordance with regulations issued by the Mayor, that child care services are necessary for the pregnant or parenting teen to attend school and there is no District funded child care service available; child care service shall be considered unavailable if there is no space for the pregnant or parenting teen's child in a licensed child development facility within reasonable time and distance from the pregnant or parenting teen's home, or if the cost of care where space is available is excessive in the judgment of the Department and the pregnant and parenting teen participates in an alternative educational or training program that has been approved by the Department; or

(2) The pregnant or parenting teen is the caretaker of a child fewer than 12 weeks old.

(g) The determination of a pregnant or parenting teen's ineligibility for federally-funded TANF benefits provided by subsection (a) of this section shall not apply if the information about the pregnant or parenting teen's school attendance is not available or cannot be verified by the school or the approved alternative educational or training program.

(h) The pregnant or parenting teen, or his or her parent, caretaker, or legal guardian, shall cooperate in providing information to verify enrollment information or good cause for absence from school. If at least one of these individuals does not cooperate, the pregnant or parenting teen shall be determined ineligible for federally-funded TANF benefits for each month in which one of the individuals does not cooperate.

(i) The Department shall request school attendance information for a pregnant or parenting teen compiled by a school whenever necessary to ascertain school attendance requirements as required by this section.

(j) The Department shall request information from the pregnant or parenting teen's school, institution, or educational program about the attendance of a pregnant or parenting teen who is applying for or receiving federally-funded TANF benefits, and shall otherwise implement procedures for monitoring compliance with this section.

(k) School attendance records shall be open for inspection at all times to the Department or other persons authorized to enforce this section; provided, that prior written informed consent is given by the parent, caretaker, or legal guardian of a pregnant or parenting teen or by an emancipated pregnant or parenting teen.

(l) It shall be the duty of each person designated by the Superintendent of Schools, every parochial school teacher, every private school teacher, and every teacher who gives instruction privately, to provide information, upon the request of the Department, as soon as practicable to the Department concerning the school attendance of a pregnant or parenting teen who is applying for or receives federally-funded TANF benefits.

(m) This section shall apply to all applicants for, or recipients of, federally-funded TANF benefits.

(Apr. 6, 1982, D.C. Law 4-101, § 565, as added Oct. 27, 1995, D.C. Law 11-72, § 101, 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 4(e), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.65.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 4(c) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 4(c) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 4(e) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 4(d) [§ 4(c)] of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 4(c) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 4(c) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 4(e) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(e) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(e) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(e) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 11-72, see Historical and Statutory Notes following § 4-205.61.

For legislative history of D.C. Law 12-7, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-130, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-230, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Expiration of Law 11-72: See note to § 4-205.01.

§ 4-205.66. FAILURE TO MEET SCHOOL ATTENDANCE REQUIREMENTS;

NOTICE.

(a) Upon determination that a pregnant or parenting teen has failed without good cause to meet the school attendance requirements of subsection (b) of this section, the Department shall provide notice which specifies the following:

(1) That the pregnant or parenting teen has a right to review and copy his or her records at the expense of the pregnant or parenting teen's school pursuant to Chapter 26 of Title 5 of the District of Columbia Municipal Regulations;

(2) That prior to any action against the pregnant or parenting teen, he or she has a right to challenge, in writing, the contents of his or her school records pursuant to Chapter 26 of Title 5 of the District of Columbia Municipal Regulations; and

(3) That the pregnant or parenting teen is entitled to a hearing if he or she is not satisfied with the administrative decision pursuant to Chapter 26 of Title 5 of the District of Columbia Municipal Regulations.

(b) If the pregnant or parenting teen, or his or her parent or guardian, does not request a fair hearing pursuant to § 4-210.05, or, if after a fair hearing has been held, the hearing officer finds that the pregnant or parenting teen is not exempt from the school attendance requirements imposed by § 4-205.65(a), the Department shall determine the pregnant or parenting teen ineligible for federally-funded TANF benefits in the next possible payment month.

(c) The Department of Human Services shall develop an incentive program, in consultation with the District of Columbia Public Schools, to encourage school attendance and recognize those who meet the attendance requirements.

(Apr. 6, 1982, D.C. Law 4-101, § 566, as added Oct. 27, 1995, D.C. Law 11-72, § 101, 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 4(f), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.66.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 4(d) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 4(d) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 4(f) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 4(d) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 4(d) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 4(d) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 4(f) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(f) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(f) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(f) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 11-72, see Historical and Statutory Notes following § 4-205.61.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Expiration of Law 11-72: See note to § 4-205.01.

§ 4-205.67. EXPANSION OF JOBS OPPORTUNITIES AND BASIC SKILLS AND ALTERNATIVE WORK EXPERIENCE PROGRAMS.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 567, as added Oct. 27, 1995, D.C. Law 11-72, § 101, 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.67.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 4(g) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 4(g) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(g) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(g) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(g) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.68. DUTIES OF THE MAYOR.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 568, as added Oct. 27, 1995, D.C. Law 11-72, § 101, 42 DCR 4728; Apr. 20, D.C. Law 12-241, § 4(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.68.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 4(g) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 4(g) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(g) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(g) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(g) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.69. DENIAL OF ASSISTANCE FOR FRAUDULENT MISREPRESENTATION OF RESIDENCY.

(a) A person who has been convicted in a federal, District of Columbia, or state court of making a fraudulent statement or representation with respect to that person's place of residence in order to receive assistance simultaneously from 2 or more states under programs that are funded under title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2105; 42 U.S.C. § 601 et seq.), title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 et seq.), or the Food Stamp Act of 1977, approved September 29, 1977 (91 Stat. 958; 7 U.S.C. § 2011 et seq.), or to receive benefits in 2 or more states under the Supplemental Security Income program under title XVI of the Social Security Act, approved October 30, 1972 (86 Stat. 1465; 42 U.S.C. § 1381 et seq.), shall be ineligible for TANF benefits for 10 years from the date of the conviction.

(b) Subsection (a) of this section shall not apply with respect to conduct of an individual for any month beginning after the President of the United States grants a pardon with respect to the conduct that was the subject of the conviction.

(Apr. 6, 1982, D.C. Law 4-101, § 569, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.69.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 4(e) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) addition of section, see § 4(e) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) addition of section, see § 4(h) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary addition of §§ 4-205.69 and 4-205.70, see § 4(e) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 4(e) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 4(e) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary addition of §§ 4-205.69 through 4-205.82, see § 4(h) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(h) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(h) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(h) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.70. DENIAL OF ASSISTANCE FOR FUGITIVE FELONS AND PROBATION AND PAROLE VIOLATORS.

(a) A person shall be ineligible for TANF benefits if that person:

- (1) Flees to avoid prosecution, custody, or confinement after conviction, under the laws of the jurisdiction from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the jurisdiction from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor under New Jersey law; or
- (2) Violates a condition of probation or parole imposed under federal, District of Columbia, or state law.

(b) Subsection (a) of this section shall not apply with respect to conduct of an individual for any month beginning after the President of the United States grants a pardon with respect to the conduct.

(Apr. 6, 1982, D.C. Law 4-101, § 570, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.70.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 4(e) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) addition of section, see § 4(e) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) addition of section, see § 4(h) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-205.69.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.71. GRANTING TANF BENEFITS TO DRUG FELONS.

An adult who is a drug felon shall not be denied TANF benefits solely because he or she is a drug felon.
(Apr. 6, 1982, D.C. Law 4-101, § 571, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.71.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 4(h) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-205.69.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.72. POWER--ESTABLISHMENT; ELIGIBILITY.

(a) There is established a Program on Work, Employment, and Responsibility ("POWER"), eligibility for which shall be the same as the factors, standards, and methodology for determining eligibility for TANF, as set forth in this subchapter, except as provided by subsections (b), (c), and (d) of this section, and §§ 4-205.73 through 4-205.77.

(b) An assistance unit shall be eligible for POWER under the following circumstances:

- (1) The head of the assistance unit is the parent of a minor child;
- (2) The head of the assistance unit is physically or mentally incapacitated; and
- (3) The physical or mental incapacity of the head of the assistance unit rises to the level of incapacity outlined by subsection (c) of this section.

(c) For the purposes of subsection (b) of this section, physical and mental incapacity must be verified by competent medical evidence and when considered with the head of the assistance unit's age, prior work experience, education, and other factors bearing on the head of the assistance unit's ability to work, as determined relevant by the Mayor:

- (1) Substantially precludes the ability of the head of the assistance unit to work or to participate in job search or job readiness activities; and
- (2) Is expected to last more than 30 days.

(d) A person is ineligible for POWER if that person receives:

- (1) Temporary Assistance for Needy Families;
- (2) Supplemental Security Income; or
- (3) Unemployment Compensation benefits.

(e) Sections 4-205.11a, 4-205.11b, 4-205.19a through 4-205.19f, 4-205.19j, and 4-205.19k, shall not apply to recipients of POWER benefits.

(Apr. 6, 1982, D.C. Law 4-101, § 572, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905; Sept. 20, 2012, D.C. Law 19-168, § 5162(d), 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.72.

Effect of Amendments

D.C. Law 19-168, in subsec. (e), substituted "4-205.11a, 4-205.11b, 4-205.19a" for "4-205.11a, and 4-205.19a".

Temporary Addition of Section

For temporary (225 day) addition of section, see § 4(h) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

See notes to § 3-205.69.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For history of Law 19-168, see notes under § 4-202.05.

§ 4-205.72A. POWER --ADDITIONAL ELIGIBILITY.

(a) In addition to the circumstances set forth in § 4-205.72, beginning October 1, 2012, an assistance unit shall be eligible for POWER if the head of the assistance unit:

(1)(A) Is the parent of a minor child; and

(B) Is needed in the home, due to medical necessity, to care for a household member who is physically or mentally incapacitated as described in § 4- 205.72(c);

(2)(A) Is the parent of a minor child;

(B) Has been determined by the Department to be a victim of domestic violence who is receiving relevant support counseling or services; and

(C) Has received a domestic violence assessment by the Department or the Department's designee that resulted in a recommendation that the work requirement or child support cooperation be waived;

(3) Is a pregnant or parenting teen who:

(A) Has been certified by the Department as being exempt from the home living requirements under § 4-205.63(b);

(B) Is enrolled in high school or a General Education Equivalency Degree program;

(C) Meets her or his work requirements in compliance with her or his TANF Individual Responsibility Plan or any equivalent plan developed during her or his participation in POWER; and

(D) Is less than 19 years old; or

(4) Is a single custodial parent or caretaker with a child under 12 months old; provided, that no parent may remain eligible under this paragraph for more than 12 months.

(b) An assistance unit's eligibility for POWER pursuant to subsection (a) of this section shall be subject to annual review and redetermination.

(Aug. 6, 1982, D.C. Law 4-101, § 572a, as added Sept. 20, 2012, D.C. Law 19-168, § 5162(e), 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 19-168, see notes under § 4-202.05.

Miscellaneous Notes

Section 5163 of D.C. Law 19-168 provides:

"Sec. 5163. This subtitle shall apply upon certification by the Chief Financial Officer that sufficient revenue is available in the June 2012, September 2012, or December 2012 revenue estimates to fund section 10002(a)(1) and (2)(A) of the Revised Revenue Estimate Contingency Priority List Act of 2012, passed on 2nd reading on June 5, 2012 (Enrolled version of Bill 19-743)."

§ 4-205.73. POWER--APPLICATION.

(a) The Mayor may only consider TANF applicants or TANF recipients for consideration for POWER eligibility.

(b) The Mayor may refer a TANF applicant or recipient for consideration of POWER eligibility at any time, including when a TANF applicant or recipient claims a medical incapacity exemption from work activities.

(Apr. 6, 1982, D.C. Law 4-101, § 573, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.73.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 4(h) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-205.69.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.74. POWER--MEDICAL REVIEW.

(a) After the Mayor determines that a TANF applicant or recipient may be considered for POWER eligibility, pursuant to § 4-205.72, the Mayor shall provide a medical review of the applicant or recipient to determine whether the applicant or recipient is incapacitated.

(a-1) After the Mayor determines that a TANF applicant or recipient may be considered for POWER eligibility, pursuant to § 4-205.72a, the Mayor shall provide a review of the applicant or recipient to determine whether the applicant or recipient is eligible for POWER.

(b) The applicant or recipient shall cooperate with obtaining the medical review as a condition of eligibility for POWER.

(Apr. 6, 1982, D.C. Law 4-101, § 574, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905; Sept. 20, 2012, D.C. Law 19-168, § 5162(f), 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.74.

Effect of Amendments

D.C. Law 19-168, in subsec. (a), substituted "POWER eligibility, pursuant to § 4-205.72" for "POWER eligibility"; and added subsec. (a-1).

Temporary Addition of Section

For temporary (225 day) addition of section, see § 4(h) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-205.69.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For history of Law 19-168, see notes under § 4-202.05.

§ 4-205.75. POWER--REDETERMINATION OF ELIGIBILITY.

(a) A POWER recipient's eligibility for POWER shall be redetermined at intervals determined by the Mayor.

(b) A POWER recipient, who is determined ineligible for POWER solely because the recipient is no longer incapacitated, or because other factors considered with the recipient's incapacity no longer substantially precludes the recipient's ability to work or to participate in job search or job readiness activities, shall be certified as eligible for TANF in a fashion that ensures financial assistance is not disrupted, if the recipient meets all TANF eligibility criteria. The Mayor shall provide adequate and timely notice that the POWER recipient has been determined ineligible for POWER.

(Apr. 6, 1982, D.C. Law 4-101, § 575, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.75.

Temporary Addition of Section

For temporary (225 day) amendment of section, see § 4(h) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-205.69.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.76. POWER--PARTICIPATION IN ACTIVITIES TO ASSIST IN ACHIEVING SELF-SUFFICIENCY.

(a) Following a preliminary assessment by the Mayor under TANF and a medical review, a person who has been determined to meet the eligibility criteria of § 4-205.72 shall be required, as a condition of eligibility for POWER benefits, to participate in activities that will assist the recipient in achieving self-sufficiency. The Mayor shall determine the nature, scope, amount and duration of the activities based on the medical review and the preliminary assessment.

(b) The Mayor shall promulgate rules establishing the nature and scope of the activities and the amount and duration of participation that may be required of a POWER recipient.

(c) Participation in activities required under this section shall not confer to the participant any entitlement to child care. The Mayor may provide access to publicly-funded child care to a POWER recipient if necessary for the recipient to participate in self-sufficiency activities.

(Apr. 6, 1982, D.C. Law 4-101, § 576, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.76.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 4(h) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-205.69.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.77. POWER--FAILURE TO PARTICIPATE IN SELF-SUFFICIENCY ACTIVITIES.

(a) If a POWER recipient who is an adult or minor head of an assistance unit fails, without good cause (as determined by the Mayor) to participate in required activities to promote self-sufficiency, the recipient shall be sanctioned in the same manner as a TANF recipient who fails to comply with the requirements of an individual responsibility plan.

(b) The Mayor shall promulgate rules defining what constitutes good cause for failure to participate in required self-sufficiency activities, in addition to those grounds described in subsections (c), (d), and (e) of this section.

(c) The Mayor shall not sanction a POWER recipient based on the failure of the recipient to participate in self-sufficiency activities if the recipient is a single custodial parent caring for a child under 6 years old, and the recipient proves that the recipient has a demonstrated inability, as determined by the Mayor, to obtain needed child care for one or more of the following reasons:

- (1) Appropriate child care within a reasonable distance from the recipient's home or participation site is unavailable;
- (2) Informal child care by a relative or under other arrangements is unavailable or unsuitable; or
- (3) Appropriate and affordable formal child care arrangements are unavailable.

(d) The Mayor shall not sanction a POWER recipient based on the failure of the recipient to participate in self-sufficiency activities if the Mayor has failed to notify the recipient of the self-sufficiency activities in which the recipient must participate.

(e)(1) The Mayor shall not sanction a POWER recipient based on the failure of the recipient to participate in self-sufficiency activities if the Mayor provides the activities but placement in those activities are not yet available to the recipient.

(2) This subsection shall only apply if the POWER recipient has complied with any other obligations required of POWER applicants or recipients.

(Apr. 6, 1982, D.C. Law 4-101, § 577, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.77.

Temporary Addition of Section

For temporary (225 day) amendment of section, see § 4(h) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-205.69.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.78. POWER--AMOUNT OF ASSISTANCE.

POWER payments shall be made in accordance with § 4-205.52.

(Apr. 6, 1982, D.C. Law 4-101, § 578, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.78.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 4(h) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-205.69.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.79. POWER--NO CREATION OF AN ENTITLEMENT.

Nothing in this chapter shall be construed to create any entitlement to POWER benefits or to confer on any person or family any entitlement to POWER benefits.

(Apr. 6, 1982, D.C. Law 4-101, § 579, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.79.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 4(h) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-205.69.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.80. POWER--MEDICAID ELIGIBILITY.

A POWER recipient shall be treated as a TANF recipient for purposes of Medicaid eligibility.
(Apr. 6, 1982, D.C. Law 4-101, § 580, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.80.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 4(h) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-205.69.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.81. DIVERSION PAYMENTS.

(a) For purposes of this section, "diversion payment" means a lump sum of money paid to an adult caring for a minor child in order to meet a short-term need that creates a barrier to self-sufficiency.

(b) The Mayor may make a diversion payment to the head of the assistance unit who is eligible to receive a diversion payment. Nothing in this section shall be construed to create any entitlement to a diversion payment, or to confer on any person any entitlement to a diversion payment.

(c) An individual shall be eligible to receive a diversion payment if the individual:

- (1) Is an adult;
- (2) Meets all financial eligibility requirements for TANF;
- (3) Lives with a minor child and is the caretaker of that child;
- (4) Has not received a diversion payment in the previous 12 months;
- (5) Has not received TANF, POWER, or GAC in the previous 6 months; and
- (6) Requires only short-term financial assistance to meet needs critical to maintaining or securing employment.

(d) A diversion payment shall be the amount determined by the Mayor to be necessary to meet the head of the assistance unit's needs for short-term financial assistance, but may not exceed 3 times the monthly amount of TANF benefits that the assistance unit would be eligible to receive under the TANF program.

(e) Consideration of the eligibility of a head of the assistance unit for a diversion payment may be made only after consideration of the eligibility of the head of the assistance unit for TANF, in accordance with regulations promulgated by the Mayor.

(f) The Mayor may only consider TANF applicants for consideration of diversion payment eligibility.

(g) The Mayor may refer a TANF applicant for consideration of diversion payment eligibility at any time.

(h) An applicant for assistance who the Mayor determines is eligible for diversion payment shall sign a document that lists the amount, requirements, and conditions of the diversion payment. The recipient's signature shall indicate an understanding of and agreement to the amount, requirements, and conditions.

(i) Any diversion payment made by the Mayor shall be issued to, or on behalf of, an eligible applicant as soon as practicable after the applicant submits a completed application for assistance and has been determined by the Mayor to be eligible for a diversion payment. An application shall not be considered complete until it includes all required information and necessary documentation.

(j) A recipient of a diversion payment, and anyone who remains a member of the recipient's assistance unit, shall be ineligible to receive TANF, POWER, or GAC benefits for the number of months equal to the amount of the diversion payment divided by the monthly payment of TANF benefits that the assistance unit would be eligible to receive under the TANF program, beginning with the month in which the recipient receives the diversion payment.

(k) Diversion payments shall not count towards the 60 month lifetime limit for the receipt of TANF.

(l) Receipt of a diversion payment shall not affect the recipient's right to receive child support for children in the recipient's care.

(Apr. 6, 1982, D.C. Law 4-101, § 581, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.81.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 4(h) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-205.69.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-205.82. PROVISION OF INFORMATION CONCERNING THE EARNED INCOME CREDIT.

(a) At least once per year, the Mayor may provide written notice regarding the federal Earned Income Tax Credit to each individual listed in subsection (c) of this section.

(b) The notice specified in subsection (a) of this section may include information regarding the following:

- (1) A summary of the eligibility requirements for the Earned Income Credit;
- (2) The amount of the maximum allowable Earned Income Credit for different family sizes;
- (3) A summary of the process for applying for the Earned Income Credit, including the process for receiving advanced payments of the credit; and
- (4) A telephone number to call to receive additional information about the Earned Income Credit.

(c) The notice specified in subsection (a) of this section may be provided to:

- (1) Each TANF head of an assistance unit;
- (2) Each adult who receives Medicaid benefits or who is caring for a child who receives Medicaid benefits; and
- (3) Each Food Stamp program head of household.

(Apr. 6, 1982, D.C. Law 4-101, § 582, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-205.82.

Temporary Addition of Section

For temporary (225 day) addition of section, see § 4(h) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-205.69.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

SUBCHAPTER VI. EMERGENCY PUBLIC ASSISTANCE.

§ 4-206.01. AUTHORIZED; LIMITATION.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 601, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(ww), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-206.1.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(wv) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 2(wv) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(wv) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(wv) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(wv) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-206.02. CRISIS ASSISTANCE AND SERVICE PROGRAM.

The Mayor, in administering the Crisis Assistance and Service Program, may claim federal financial participation to the extent allowable by law for assistance and services to needy families with children, provided the family has not received assistance from any emergency program for more than 30 consecutive days within the last 12 months and provided the crisis did not arise because the child, parent, or other relative refused without good cause to accept employment or training for employment.

(Apr. 6, 1982, D.C. Law 4-101, § 602, 29 DCR 1060; Apr. 9, 1997, D.C. Law 11-192, § 3(a), 43 DCR 4285.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-206.2.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(a) of Emergency Assistance Clarification Temporary Amendment Act of 1995 (D.C. Law 11-24, July 14, 1995, law notification 42 DCR 3830).

Emergency Act Amendments

For temporary amendment of section, see § 3(a) of the Emergency Assistance Clarification Emergency Amendment Act of 1995 (D.C. Act 11-36, April 11, 1995, 42 DCR 1839), § 3(a) of the Emergency Assistance Clarification Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-105, July 21, 1995, 42 DCR 4019), § 3(a) of the Emergency Assistance Clarification Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-425, October 28, 1996, 43 DCR 6141), § 3(a) of the Emergency Assistance Clarification Second Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-485, January 2, 1997, 44 DCR 630), and see § 3(a) of the Emergency Assistance Clarification Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-42, March 31, 1997, 44 DCR 2091).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

Law 11-192, the "Emergency Assistance Clarification Amendment Act of 1996," was introduced in Council and assigned Bill No. 11-188, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 6, 1996, and July 3, 1996, respectively. Signed by the Mayor on July 22, 1996, it was assigned Act No. 11-348 and transmitted to both Houses of Congress for its review. D.C. Law 11-192 became effective on April 9, 1997.

§ 4-206.03. EMERGENCY SHELTER FAMILY SERVICES PROGRAM.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 603, 29 DCR 1060; Mar. 11, 1988, D.C. Law 7-86, § 2(b), 35 DCR 140; Mar. 16, 1989, D.C. Law 7-204, § 6, 36 DCR 454; Mar. 6, 1991, D.C. Law 8-197, § 3, 37 DCR 4815; Sept. 26, 1995, D.C. Law 11-52, § 502(f), 42 DCR 3684; Apr. 9, 1997, D.C. Law 11-192, § 3(b), 43 DCR 4285; Oct. 22, 2005, D.C. Law 16-35, § 32(a), 52 DCR 8113.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-206.3.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see §§ 2, 3(b) of Public Assistance Shelter Days Temporary Amendment Act of 1992 (D.C. Law 9-235, March 17, 2003, law notification 40 DCR 2227).

For temporary (225 day) amendment of section, see § 3(b) of Emergency Assistance Clarification Temporary Amendment Act of 1995 (D.C. Law 11-24, July 14, 1995, law notification 42 DCR 3830).

For temporary (225 day) amendment of section, see § 2(c) of Human Services Spending Reduction Temporary Amendment Act of 1995 (D.C. Law 11-29, July 25, 1995, law notification 42 DCR 4002).

Emergency Act Amendments

For temporary amendment of section, see § 2 of the Public Assistance Shelter Days Emergency Amendment Act of 1992 (D.C. Act 9-333, December 18, 1992, 40 DCR 9).

For temporary amendment of section, see § 2(c) of the Human Services Spending Reduction Emergency Amendment Act of 1995 (D.C. Act 11-35, April 11, 1995, 42 DCR 1834) and § 2(c) of the Human Services Spending Reduction Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-104, July 21, 1995, 42 DCR 4014).

For temporary amendment of section, see § 3(b) of the Emergency Assistance Clarification Emergency Amendment Act of 1995 (D.C. Act 11-36, April 11, 1995, 42 DCR 1839), § 3(b) of the Emergency Assistance Clarification Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-105, July 21, 1995, 42 DCR 4019), § 3(b) of the Emergency Assistance Clarification Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-425, October 28, 1996, 43 DCR 6141), § 3(b) of the Emergency Assistance Clarification Second Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-485, January 2, 1997, 44 DCR 630), and § 3(b) of the Emergency Assistance Clarification Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-42, March 31, 1997, 44 DCR 2091).

For temporary amendment of section, see § 502(f) of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 7-86, see Historical and Statutory Notes following § 4-206.03.

Law 7-204, the "Frigid Temperature Protection Amendment Act of 1988," was introduced in Council and assigned Bill No. 7-401, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 29, 1988 and December 13, 1988, respectively. Signed by the Mayor on January 6, 1989, it was assigned Act No. 7-275 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 8-197, see Historical and Statutory Notes following § 4-206.03.

For legislative history of D.C. Law 11-52, see Historical and Statutory Notes following § 4-204.06.

For legislative history of D.C. Law 11-192, see Historical and Statutory Notes following § 4-206.02.

For Law 16-35 see notes following § 4-751.01.

Delegation of Authority

Delegation of authority pursuant to D.C. Law 7-204, the "Frigid Temperature Protection Amendment Act of 1988", see Mayor's Order 89-123, June 2, 1989.

Delegation of authority pursuant to D.C. Law 7-86, the "Emergency Shelter Services for Families Reform Amendment Act of 1987" (4-101), see Mayor's Order 90-148, October 31, 1990.

Delegation of authority pursuant to D.C. Law 3-16, the Day Care Policy Act of 1979, see Mayor's Order 94-230, November 7, 1994.

Miscellaneous Notes

Mayor's reports: Section 4 of Law 7-86 provided that within 180 days of March 11, 1988, the Mayor shall transmit to the Council a written report describing specific plans and timetables for implementing the provisions of this act. The Mayor shall transmit to the Council an annual updated written report regarding the status of the Emergency Shelter Family Program.

Declaration of an Emergency With Respect to the Urgent Need to Provide Permanent Housing for the Homeless in the District of Columbia: See Mayor's Order 89-204, September 8, 1989.

Emergency procurement to provide temporary housing for homeless families in the District of Columbia: See Mayor's Order 91-68, May 6, 1991.

§ 4-206.04. FAMILY EMERGENCY SERVICES PROGRAM.

The Mayor, in administering the Family Emergency Services Program, may claim federal financial participation to the extent allowable by law for assistance and services to needy families with children, provided the family has not received assistance from any emergency program for more than 30 consecutive days within the last 12 months, and provided the emergency did not arise because the child, parent, or other relative refused without good cause to accept employment or training for employment.

(Apr. 6, 1982, D.C. Law 4-101, § 604, 29 DCR 1060; Apr. 9, 1997, D.C. Law 11-192, § 3(c), 43 DCR 4285.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-206.4.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(c) of Emergency Assistance Clarification Temporary Amendment Act of 1995 (D.C. Law 11-24, July 14, 1995, law notification 42 DCR 3830).

Emergency Act Amendments

For temporary amendment of section, see § 3(c) of the Emergency Assistance Clarification Emergency Amendment Act of 1995 (D.C. Act 11-36, April 11, 1995, 42 DCR 1839), § 3(c) of the Emergency Assistance Clarification Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-105, July 21, 1995, 42 DCR 4019), § 3(c) of the Emergency Assistance Clarification Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-425, October 28, 1996, 43 DCR 6141), § 3(c) of the Emergency Assistance Clarification Second Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-485, January 2, 1997, 44 DCR 630), and see § 3(c) of the Emergency Assistance Clarification Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-42, March 31, 1997, 44 DCR 2091).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 11-192, see Historical and Statutory Notes following § 4-206.02.

§ 4-206.05. EMERGENCY SHELTER ALLOWANCES.

The Mayor, in providing emergency shelter allowances to families who are receiving TANF to enable them to obtain public housing, may claim federal financial participation to the extent allowable by law, provided the family has not received assistance from any emergency program for more than 30 consecutive days within the last 12 months.

(Apr. 6, 1982, D.C. Law 4-101, § 605, 29 DCR 1060; Apr. 9, 1997, D.C. Law 11-192, § 3(d), 43 DCR 4285; Apr. 20, 1999, D.C. Law 12-241, § 2(xx), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-206.5.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(d) of Emergency Assistance Clarification Temporary Amendment Act of 1995 (D.C. Law 11-24, July 14, 1995, law notification 42 DCR 3830).

For temporary (225 day) amendment of section, see § 2(o) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(o) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(xx) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 3(d) of the Emergency Assistance Clarification Emergency Amendment Act of 1995 (D.C. Act 11-36, April 11, 1995, 42 DCR 1839), § 3(d) of the Emergency Assistance Clarification Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-105, July 21, 1995, 42 DCR 4019), § 3(d) of the Emergency Assistance Clarification Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-425, October 28, 1996, 43 DCR 6141), § 3(d) of the Emergency Assistance Clarification Second Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-485, January 2, 1997, 44 DCR 630), and § 3(d) of the Emergency Assistance Clarification Congressional Review

Emergency Amendment Act of 1997 (D.C. Act 12-42, March 31, 1997, 44 DCR 2091).

For temporary amendment of section, see § 2(o) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(o) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(o) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(xx) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(xx) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(xx) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(xx) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary (90 day) addition, see §§ 2 to 5 of District of Columbia State of Emergency Disaster, Relocation, and Recovery Assistance Emergency Act of 2005 (D.C. Act 16-180, October 4, 2005, 52 DCR 9082).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 11-192, see Historical and Statutory Notes following § 4-206.02.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

SUBCHAPTER VII. COMPLEMENTARY PROGRAM RELATIONSHIPS WITH PUBLIC ASSISTANCE PROGRAMS.

§ 4-207.01. POLICY.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 701, 29 DCR 1060; July 27, 1995, D.C. Law 11-52, § 502(g), 42 DCR 3684.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-207.1.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 502(f) of Multiyear Budget Spending Reduction and Support Temporary Act of 1995 (D.C. Law 10-253, March 23, 1995, law notification 42 DCR 1652).

Emergency Act Amendments

For temporary repeal of subchapter, see § 502(f) of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994 (D.C. Act 10-389, December 29, 1994, 42 DCR 197).

For temporary repeal of subchapter, see § 502(g) of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

Legislative History of Laws

For legislative history of D.C. Law 11-52, see Historical and Statutory Notes following § 4-204.06.

§ 4-207.02. AUTHORITY TO ESTABLISH.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 702, 29 DCR 1060; July 27, 1995, D.C. Law 11-52, § 502(g), 42 DCR 3684.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-207.2.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 502(f) of Multiyear Budget Spending Reduction and Support

Temporary Act of 1995 (D.C. Law 10-253, March 23, 1995, law notification 42 DCR 1652).

Emergency Act Amendments

See notes to § 4-207.01.

Legislative History of Laws

For legislative history of D.C. Law 11-52, see Historical and Statutory Notes following § 4-204.06.

§ 4-207.03. RULES.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 703, 29 DCR 1060; Mar. 14, 1985, D.C. Law 5-150, § 3, 31 DCR 6425; July 27, 1995, D.C. Law 11-52, § 502(g), 42 DCR 3684.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-207.3.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 502(f) of Multiyear Budget Spending Reduction and Support Temporary Act of 1995 (D.C. Law 10-253, March 23, 1995, law notification 42 DCR 1652).

Emergency Act Amendments

See notes to § 4-207.01.

Legislative History of Laws

For legislative history of D.C. Law 11-52, see Historical and Statutory Notes following § 4-204.06.

§ 4-207.04. APPROPRIATIONS.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 704, 29 DCR 1060; July 27, 1995, D.C. Law 11-52, § 502(g), 42 DCR 3684.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-207.4.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 502(f) of Multiyear Budget Spending Reduction and Support Temporary Act of 1995 (D.C. Law 10-253, March 23, 1995, law notification 42 DCR 1652).

Emergency Act Amendments

See notes to § 4-207.01.

Legislative History of Laws

For legislative history of D.C. Law 11-52, see Historical and Statutory Notes following § 4-204.06.

SUBCHAPTER VIII. AWARD; METHOD OF PAYMENT.

§ 4-208.01. DETERMINATION BY MAYOR; METHOD OF PAYMENT.

(a) Upon completion of the investigation pursuant to subchapter IX of this chapter, the Mayor shall determine whether the applicant is eligible for public assistance, the type and amount of public assistance for which he or she is eligible, and the date from which public assistance shall begin. The Mayor shall furnish public assistance with reasonable promptness to each person to whom the Mayor, in his or her discretion, provides public assistance. For the TANF, POWER, and GAC programs, an application for assistance shall be effective on the date that the application is filed. The amount payable for the initial month shall be prorated by multiplying the amount payable if payment were made for the entire month by the ratio of the days in the month including and following the date of application to the total number of days in a month.

(b) Money payments of public assistance shall be made by check or electronic benefit transfer, except that in emergency cases money payments of public assistance may be made in cash, and to accomplish such purpose the Mayor may make necessary provisions for advancing from time to time to one or more officers or employees of the District such sum or sums as the Mayor may determine; provided, that no such advance shall be made to any such officer or employee who has not been previously bonded in such amount and form as the Mayor shall determine.

(Apr. 6, 1982, D.C. Law 4-101, § 801, 29 DCR 1060; Mar. 14, 1984, D.C. Law 5-53, § 2(c), 30 DCR 6278; Sept. 10, 1985, D.C. Law 6-35, § 2(n), 32 DCR 3778; Aug. 17, 1991, D.C. Law 9-27, § 2(i), 38 DCR 4205; Mar. 20, 1998, D.C. Law 12-60, § 701(r), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(yy), (zz), 46 DCR 905; Apr. 20, 1999, D.C. Law 12-264, § 15(b), 46 DCR 2118.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-208.1.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 101(i) of Omnibus Budget Support Temporary Act of 1991 (D.C. Law 9-19, June 21, 1991, law notification 38 DCR 5786).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(r) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12-21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) amendment of section, see § 701(r) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(yy), (zz) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 101(i) of the Omnibus Budget Support Emergency Act of 1991 (D.C. Act 9-37, May 17, 1991, 38 DCR 3390).

For temporary amendment of section, see § 101(i) of the Omnibus Budget Support Congressional Recess Emergency Act of 1991 (D.C. Act 9-69, July 24, 1991, 38 DCR 4945).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(r) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(r) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(r) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(yy) and (zz) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(yy) and (zz) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(yy) and (zz) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(yy) and (zz) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 5-53, see Historical and Statutory Notes following § 4-208.05.

For legislative history of D.C. Law 6-35, see Historical and Statutory Notes following § 4-202.05.

For legislative history of D.C. Law 9-27, see Historical and Statutory Notes following § 4-205.05a.

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-264, see Historical and Statutory Notes following § 4-202.05.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 4-208.02. SUPPLEMENTAL PAYMENTS.

The Mayor may authorize a supplemental payment when necessary to meet the needs of its clients, according to established budget standards. A supplemental payment is defined as the 2nd payment to a recipient of public assistance for the same month.

(Apr. 6, 1982, D.C. Law 4-101, § 802, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-208.2.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-208.03. UNDERPAYMENT CORRECTIONS.

(a) When a recipient of public assistance receives a payment or series of payments in an amount less than that for which the recipient is eligible, or does not receive payments for which the recipient is eligible, the underpayment shall be corrected retroactively for not more than 12 months prior to whichever of the following occurs first:

- (1) The date the Mayor received a request for restoration of assistance from the recipient;
- (2) The date the recipient requested a fair hearing concerning the loss of assistance; or
- (3) The date the Mayor is notified or otherwise discovered that a loss of benefits to an assistance unit has occurred.

(b) Nothing in this section shall be construed to confer an entitlement to public assistance to any individual. The decision to grant public assistance to an eligible individual lies in the sole discretion of the Mayor.

(Apr. 6, 1982, D.C. Law 4-101, § 803, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(aaa), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-208.3.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(aa) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(aaa) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(aaa) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(aaa) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(aaa) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-208.04. AMOUNT OF ASSISTANCE PAYABLE.

The amount of assistance that the Mayor may pay to a TANF, POWER, or GAC recipient shall be the amount for which the individual or family is eligible, rounded down, when not a whole dollar amount, to the next lower whole dollar amount, except as provided in § 4-205.51.

(Apr. 6, 1982, D.C. Law 4-101, § 804, 29 DCR 1060; Mar. 14, 1984, D.C. Law 5-53, § 2(b), 30 DCR 6278; Apr. 20, 1999, D.C. Law 12-241, § 2(bbb), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-208.4.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(p), (x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(p), (x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(xx) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(p) and (x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(p) and (x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(p) and (x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(bbb) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(bbb) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(bbb) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(bbb) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 5-53, see Historical and Statutory Notes following § 4-208.05.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-208.05. REPAYMENT BY GPA RECIPIENT.

(a) For any month in which a person who received benefits under the former General Public Assistance ("GPA") program received both GPA and Supplemental Security Income ("SSI"), the former GPA recipient shall repay to the District of Columbia:

- (1) The entire GPA monthly assistance payment if the SSI benefits received equaled or exceeded the GPA payment; or
- (2) That portion of the GPA monthly assistance payment equal in amount to the SSI benefits received if the SSI benefits received were less than the GPA payment.

(b) In order to make repayment in accordance with subsection (a) of this section, a former GPA recipient who applied for SSI must have agreed to have the initial SSI benefit forwarded directly to the Department of Human Services.

(c) Upon receipt of a former GPA recipient's initial SSI benefit, the Department shall calculate, in accordance with subsection (a) of this section, the amount of the benefit due to the Department as repayment and the amount, if any, due the former GPA recipient. The Department shall provide the former GPA recipient with a written explanation of this calculation and shall pay any amount due the former GPA recipient, in accordance with 42 U.S.C. § 1383 (g) and SSA Interim Assistance Provisions, 20 C.F.R. § 416.1901 to 416.1922 (1983).

(d) Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 805, as added Mar. 14, 1984, D.C. Law 5-53, § 2(d), 30 DCR 6278; Mar. 20, 1998, D.C. Law 12-60, § 701(s), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(ccc), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-208.5.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(s) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12-21, September 23, 1997, law notification 44 DCR 2760).

For temporary (225 day) amendment of section, see § 701(s) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

For temporary (225 day) amendment of section, see § 2(ccc) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(s) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(s) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(s) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

For temporary amendment of section, see § 2(ccc) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ccc) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ccc) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ccc) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

Law 5-53, the "Public Assistance Act of 1982 Amendments Act of 1983," was introduced in Council and assigned Bill No. 5-92, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 1, 1983, and November 15, 1983, respectively. Signed by the Mayor on November 21, 1983, it was assigned Act No. 5-79 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

SUBCHAPTER IX. INVESTIGATION OF APPLICANTS; ISSUANCE OF IDENTIFICATION CARD; CHECK DISTRIBUTION.

§ 4-209.01. INVESTIGATION OF APPLICANTS; ISSUANCE OF IDENTIFICATION CARDS; DISTRIBUTION OF CHECKS.

(a) Whenever the Mayor shall receive an application for public assistance, he or she shall promptly make an investigation and record of the circumstances of the applicant in order to ascertain the facts supporting the application and to obtain such other information as he or she may require.

(b) After determining that a person is eligible to receive public assistance, the Mayor may issue to such person a public assistance identification card which may be used by such person in obtaining any public assistance, and as a means of identifying him or her as the proper recipient of such public assistance. The public assistance identification card shall contain the name, social security number, and account or case number of the recipient to whom such card was issued.

(c) The Mayor may by rule prescribe additional uses and requirements with respect to the issuance and use of the public assistance identification card as he or she deems necessary. Nothing in this section shall be construed to require recipients of public assistance to receive their monthly allotment checks in person

at 1 central location. The Mayor shall by rule establish such means of distribution of such checks which, utilizing the public assistance identification card, will insure the least amount of fraud and loss of such checks without unduly burdening the recipients of such checks.

(Apr. 6, 1982, D.C. Law 4-101, § 901, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(ddd), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-209.1.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(ddd) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(ddd) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ddd) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ddd) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ddd) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-209.02. ADVERSE ACTION NOT PERMITTED FOR REFUSAL TO ALLOW ENTRY INTO HOME OR PERMIT INSPECTION THEREOF.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 902, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(eee), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-209.2.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(eee) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 2(eee) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(eee) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(eee) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(eee) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-209.03. NOTIFICATION OF ADVERSE ACTION NOT PERMITTED.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 903, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(fff), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-209.3.

For temporary (225 day) amendment of section, see § 2(ff) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 2(ff) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 8, 1998, 45 DCR 4270), § 2(ff) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ff) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521) and § 2(ff) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-209.04. CONFIDENTIALITY OF INFORMATION.

(a) For the purposes of this section, the term:

(1) "Administering" means running public benefits programs in a manner that complies with District of Columbia or federal laws, rules, or regulations.

(2) "Applicant" means an individual who has submitted an application for services under one or more IMA programs.

(3) "Disclosure" means the release, transfer, provision of, provision of access to, or distribution of information in any manner by an entity holding the information to a person outside of the entity.

(4) "Health Insurance Portability and Accountability Act" means the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (Pub. L. 104-191; 110 Stat. 1936), and the regulations issued thereunder, 45 C.F.R. Parts 160 and 164, enacted for the primary purpose of safeguarding the privacy of an individual's protected health information by restricting the use or disclosure of the information to certain limited circumstances, such as treatment by medical providers, payment of medical bills, or health care operations.

(5) "IMA" means the Income Maintenance Administration within the Department of Human Services.

(6) "IMA programs" means public benefit programs, including TANF, POWER, Medical Assistance (including Medicaid), Food Stamps, Interim Disability Assistance, Burial Assistance, Refugee Resettlement Assistance, General Assistance for Children, Child Care Subsidy, Emergency Rental Assistance, and programs under titles I, V-A, IV-D, XVI, or XIX of Title 21 of the Social Security Act, approved August 14, 1935 (49 Stat. 757; 42 U.S.C. § 301 *et seq.*), and such other public benefits programs as may be designated as IMA programs by the Mayor.

(7) "Individual's representative" means a person authorized in writing to review or copy an applicant's or recipient's record, or submit or receive information on behalf of the applicant or recipient by:

(A) The applicant or recipient;

(B) A court of competent jurisdiction; or

(C) A person otherwise authorized by law to make decisions on behalf of the applicant or recipient, including decisions related to health care, such as the custodial parent, legal guardian, or personal representative, as set forth at 45 C.F.R. § 164.502(g).

(8) "Personal notes" means:

(A) Mental health information regarding an applicant or recipient disclosed to a mental health professional in confidence by other persons on condition that such information not be disclosed to the applicant or recipient, or to other persons; and

(B) A mental health professional's speculations about the applicant or recipient.

(9) "Personal representative" means a person who:

(A) Under applicable law, has the authority to act on behalf of an individual who is an adult or an emancipated minor in making decisions related to health care;

(B) Is an executor, administrator, or other person who, under applicable law, has authority to act on behalf of a deceased individual or the individual's estate; or

(C) Is a parent, guardian, or other person acting in loco parentis who may have the authority to act on behalf of an unemancipated minor, as more fully set forth at 45 C.F.R. § 164.502(g).

(10) "Protected health information" means any individually identifiable information, whether oral or recorded, in any form or medium, that is created or received and relates to the past, present, or future

physical or mental health condition of an applicant or recipient, or to the payment for health care for an applicant or recipient.

(11) "Recipient" means an applicant who meets the eligibility requirements and has been determined eligible to receive services through an IMA program.

(12) "Record" or "applicant's or recipient's record" means any hard copy or electronic item, collection, or grouping of information, which includes protected health information, relating to an applicant or recipient that is maintained, collected, used, or disseminated for the purpose of administering an IMA program. The term "record" or "applicant's or recipient's record" includes information that the government of the District of Columbia collects and stores by the operation or administration of computerized public benefits eligibility screening tools.

(b) IMA shall keep records to document information about applicants and recipients relating to IMA programs. The information shall be privileged and confidential and shall only be used or disclosed in accordance with this section.

(1) The applicant or recipient has a right to privacy and shall be provided with a written notice about IMA's privacy practices and the conditions governing inspection of records. A copy of the notice shall be maintained in the applicant's or recipient's record.

(2) IMA shall secure the written authorization of the applicant, recipient, or individual's representative pursuant to the requirements of 45 C.F.R. § 164.508 before requesting or disclosing information about the applicant or recipient to or from other agencies or individuals. A copy of the authorization shall be maintained in the applicant's or recipient's record.

(3) An applicant or recipient shall submit a verbal or written request and an individual's representative shall submit a written request to access information in an applicant's or recipient's record, including protected health information. Except for psychotherapy and personal notes, and information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding, the IMA shall make all information in the applicant's or recipient's record available to the applicant, recipient, or the individual's representative.

(A) IMA shall permit inspection or provide a copy of the information no later than 30 days after receiving the written request if the information is available on-site unless the applicant or recipient is under investigation pursuant to any provisions of subsection (c) of this section. If the written request is for information that is not maintained by or accessible to IMA on-site and IMA has knowledge of the information and its location, IMA must permit inspection or provide a copy of the information no later than 60 days after receiving the written request.

(B) If IMA authorizes disclosure to a third party, other than the applicant or recipient's individual representative, pursuant to a valid authorization, the disclosure shall be limited to the information specifically identified in a written authorization from the applicant, recipient, or the individual's representative.

(4) An applicant, recipient, or individual's representative who believes that information in an applicant's or recipient's record is inaccurate or misleading may request that IMA amend the information by submitting a written request for amendment setting forth the reason for the change, including documentation, where appropriate. Within 60 days after it receives the request, the IMA shall make a determination on the request and either make amendments to the record or deny the request.

(A) The IMA may deny a request for amendment if the information sought to be amended:

(i) Was not created by IMA, unless the individual requesting the amendment provides a reasonable basis to believe that the originator of the protected health information or the information in the record is no longer available to act on the requested amendment;

(ii) Is not part of the record;

(iii) Is not available for inspection as provided in paragraph (3) of this subsection; or

(iv) Is accurate and complete.

(B) If the request for amendment is denied, the IMA shall provide the applicant, recipient, or the individual's representative with a written response setting forth the reason for denying the request for amendment and the procedures on how to request reconsideration of the decision, including a statement that the applicant, recipient, or individual's representative has a right to submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement.

(C) If the request for amendment is granted, the IMA shall notify the applicant, recipient, or individual's representative of the decision and how to obtain authorization concerning persons to be notified of the amendment.

(D) All documentation generated from a request for amendment shall be included in the record of the applicant or recipient.

(c) All information and records regarding an applicant or recipient provided to or created by the IMA, its

representatives, or its employees, in the course of the administration of IMA programs, shall be privileged and confidential and shall only be disclosed:

- (1) To the applicant, recipient, or individual's representative, in accordance with subsection (b) of this section;
- (2) To a third party, with a written authorization signed by the applicant, the recipient, or the individual's representative authorizing disclosure of the specific record, or specific parts of the record; or
- (3) Without consent for one of the following purposes:
 - (A) To administer IMA programs;
 - (B) To aid in any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of IMA programs;
 - (C) To administer any federal or federally-assisted program, which provides assistance, in cash or in-kind, or services directly to individuals on the basis of need;
 - (D) To verify a state employment services agency for the purposes of providing information about a public assistance recipient's eligibility for employer tax credits, except that protected health information shall not be disclosed to such agency;
 - (E) For an audit or similar activity, such as review of expenditure reports or financial review, conducted in connection with the administration of any public assistance program by any governmental entity which is authorized by law to conduct such audit or activity;
 - (F) To administer the unemployment compensation program for the District of Columbia or any other state unemployment compensation program, except that protected health information shall not be disclosed to such agency or program;
 - (G) To report to the Metropolitan Police Department information on known or suspected instances of physical or mental injury, sexual abuse, or exploitation, or to report to the appropriate authority charged with investigating such allegations information on known or suspected instances of negligent treatment or maltreatment of a child or vulnerable adult receiving aid under circumstances which indicate that the child's or vulnerable adult's health or welfare is threatened;
 - (H) To comply with a court order (a subpoena being insufficient) issued by a court of competent jurisdiction to compel disclosure of an applicant's or recipient's record or testimony of any Mayor's representative concerning an applicant or recipient for purposes directly related to the purposes listed in subparagraphs (A) through (G) of this paragraph; or
 - (I) For the purposes of and in accordance with Chapter 2A of Title 7.

(d)(1) The administrator of the IMA shall approve each request for disclosure of a record made pursuant to subsection (c)(3) of this section before the IMA releases the record, or any portion thereof. For each disclosure of a record pursuant to subsection (c)(3) of this section, the IMA shall:

- (A) Record the disclosure in the applicant's or recipient's record;
 - (B) Disclose only the information minimally necessary to satisfy the purpose of the request; and
 - (C) Maintain a central log accounting for disclosures of protected health information.
- (2) An accounting for an approved disclosure shall contain, at minimum, the following:
- (A) The date of the disclosure;
 - (B) The name of the person or entity that received the information and, if known, the address of the entity or person;
 - (C) A brief description of the information disclosed; and
 - (D) A brief statement of the purpose of the disclosure that states the exact basis for disclosure or, in lieu of that statement, a copy of the written request for disclosure.
- (3) Accounting is not required if the information is disclosed:
- (A) To administer IMA programs, or to carry out treatment, payment, and health care operations;
 - (B) To persons involved in the applicant's or recipient's care;
 - (C) For national security or intelligence purposes;
 - (D) To correctional institutions or law enforcement officials;
 - (E) Prior to April 14, 2003; or
 - (F) For the purposes of and in accordance with Chapter 2A of Title 7.

(e) The IMA shall review a requestor's credentials to verify the requestor's identity and authority before disclosing records to an applicant, recipient, or individual's representative, or to a person requesting disclosure of records pursuant to subsection (c)(3) of this section.

(f) The IMA shall implement appropriate procedures to ensure the security of records and to minimize inadvertent disclosures of confidential records, including protected health information.

(g) The IMA shall retain all information in an applicant's and recipient's record for at least 3 years after the case is closed. A request for a disclosure of information under subsection (c)(3) of this section, along with the supporting documentation for each such request that the IMA is required to maintain under subsection (d) of this section, shall be retained by the IMA for at least 6 years, and shall be disclosed to an applicant, recipient, or individual representative upon written request.

(h) The IMA shall ensure that IMA employees are trained on the provisions of this section and are aware that unauthorized use or disclosure of records may constitute cause for adverse or corrective personnel action.

(i) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of this section.

(Apr. 6, 1982, D.C. Law 4-101, § 904, as added Apr. 20, 1999, D.C. Law 12-241, § 2(ggg), 46 DCR 905; Nov. 16, 2006, D.C. Law 16-178, § 2, 53 DCR 6691; Dec. 4, 2010, D.C. Law 18-273, § 201, 57 DCR 7171.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-209.4.

Effect of Amendments

D.C. Law 16-178 rewrote the section which had read as follows:

"(a) The use or disclosure of information concerning applicants and recipients of TANF, POWER, and GAC shall be limited to purposes directly connected to the following:

"(1) The administration of TANF, POWER, General Assistance for Children, Emergency Family Shelter, Old Age Assistance, Aid to the Permanently and Totally Disabled, and programs under titles I, IV-B, IV-D, IV-E, X, XIV, XVI (AABD and SSI), XIX, or XX of the Social Security Act, approved August 14, 1935 (49 Stat. 757; 42 U.S.C. § 301 et seq.), for purposes of establishing eligibility, determining the amount of assistance, and providing services for applicants and recipients;

"(2) Any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any public assistance program under this chapter;

"(3) The administration of any federal or federally-assisted program which provides assistance, in cash or in-kind, or services directly to individuals on the basis of need;

"(4) The verification to a state employment services agency for the purposes of providing information about a public assistance recipient's eligibility for employer tax credits;

"(5) Any audit or similar activity, such as review of expenditure reports or financial review, conducted in connection with the administration of any public assistance program by any governmental entity which is authorized by law to conduct such audit or activity;

"(6) The administration of the unemployment compensation program for the District of Columbia or any other state unemployment compensation program; or

"(7) The reporting to the Metropolitan Police Department of information on known or suspected instances of physical or mental injury, sexual abuse, or exploitation, or to the Commission on Social Services of information on known or suspected instances of negligent treatment or maltreatment of a child receiving aid under circumstances which indicate the child's health or welfare is threatened.

"(b) The Mayor may disclose the current address of an applicant or recipient to the Metropolitan Police Department or any other law enforcement officer at his or her request. The information shall be disclosed only to a law enforcement officer who provides the name and Social Security number of the applicant or recipient and satisfactorily demonstrates that:

"(1) The applicant or recipient is a person who is seeking to escape prosecution on the grounds that he or she is believed to have committed a felony;

"(2) The location or apprehension of the felon is within the law enforcement officer's official duties; and

"(3) The request is made in the proper exercise of the officer's duties.

"(c) Disclosure of any information that identifies by name or address any applicant or recipient to any federal, state, or local committee or legislative body other than in connection with any activity under subsection (a)(5) of this section is prohibited.

"(d) If a subpoena is issued for the case record or for any Mayor's representative to testify concerning an applicant or recipient, disclosure of information and testimony is prohibited unless:

"(1) The applicant or recipient authorizes release; or

"(2) The information or testimony is requested for purposes directly related to the purposes listed in

subsection (a) of this section.

"(e) The Mayor shall establish policies and procedures to implement and enforce the requirements for safeguarding information regarding applicants and recipients and to define the criteria that govern the types of information that are safeguarded and the conditions under which the information may be released or used."

D.C. Law 18-273 rewrote subsec. (a)(6): in subsec. (c)(3), deleted "; or" from the end of subpar. (G); substituted "; or" for a period at the end of subpar. (H), and added subpar. (I); and, in subsec. (d)(3), deleted "; or" from the end of subpar. (D); substituted "; or" for a period at the end of subpar. (E), and added subpar. (F). Prior to amendment, subsec. (a)(6) read as follows:

"(6) 'IMA programs' means public benefit programs, including TANF, POWER, Medical Assistance (including Medicaid), Food Stamps, Interim Disability Assistance, Burial Assistance, Refugee Resettlement Assistance, General Assistance for Children, and programs under titles I, V-A, IV-D, XVI, or XIX of Title 21 of the Social Security Act, approved August 14, 1935 (49 Stat. 757; 42 U.S.C. § 301 *et seq.*)."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of Public Assistance Confidentiality of Information Temporary Amendment Act of 2004 (D.C. Law 15-229, March 16, 2005, law notification 52 DCR 3555).

For temporary (225 day) amendment of section, see § 2 of Public Assistance Confidentiality of Information Temporary Amendment Act of 2005 (D.C. Law 16-63, March 8, 2006, law notification 53 DCR 2334).

Temporary Addition of Section

For temporary (225 day) addition of section, see § 2(q) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) addition of section, see § 2(q) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) addition of section, see § 2(gg) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary addition of section, see § 2(ggg) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ggg) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ggg) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ggg) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary (90 day) amendment of section, see § 2 of Public Assistance Confidentiality of Information Emergency Amendment Act of 2004 (D.C. Act 15-507, August 2, 2004, 51 DCR 8938).

For temporary (90 day) amendment of section, see § 2 of Public Assistance Confidentiality of Information Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-622, November 30, 2004, 51 DCR 11462).

For temporary (90 day) amendment of section, see § 2 of Public Assistance Confidentiality of Information Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-8, January 19, 2005, 52 DCR 2688).

For temporary (90 day) amendment of section, see § 2 of Public Assistance Confidentiality Of Information Emergency Amendment Act of 2005 (D.C. Act 16-204, November 17, 2005, 52 DCR 10515).

For temporary (90 day) amendment of section, see § 2 of Public Assistance Confidentiality of Information Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-261, January 26, 2006, 53 DCR 788).

For temporary (90 day) amendment of section, see § 2 of Public Assistance Confidentiality of Information Second Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-484, October 18, 2006, 53 DCR 8647).

For temporary (90 day) amendment of section, see § 201 of Data-Sharing and Information Coordination Emergency Amendment Act of 2010 (D.C. Act 18-530, August 6, 2010, 57 DCR 8099).

For temporary (90 day) amendment of section, see § 201 of Data-Sharing and Information Coordination Congressional Review Emergency Amendment Act of 2010 (D.C. Act 18-582, October 20, 2010, 57 DCR 10118).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Law 16-178, the "Public Assistance Confidentiality of Information Amendment Act of 2006", was introduced in

Council and assigned Bill No. 16-571, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 6, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 21, 2006, it was assigned Act No. 16-456 and transmitted to both Houses of Congress for its review. D.C. Law 16-178 became effective on November 16, 2006.

Law 18-273, the "Data-Sharing and Information Coordination Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-356 which was referred to the Committee on Health and Human Services. The Bill was adopted on first and second readings on June 1, 2010, and June 29, 2010, respectively. Signed by the Mayor on July 20, 2010, it was assigned Act No. 18-489 and transmitted to both Houses of Congress for its review. D.C. Law 18-273 became effective on December 4, 2010.

SUBCHAPTER X. HEARING PROCEDURES.

§ 4-210.01. RIGHT TO HEARING; NOTIFICATION OF RIGHT.

An applicant for, or recipient of, public assistance aggrieved by the action or inaction of the Mayor shall be entitled to a hearing. Each applicant or recipient shall be notified of his or her rights to a hearing. Upon request for such hearing, reasonable notice of the time and place thereof shall be given to such applicant or recipient. Such hearing shall be conducted in accordance with the provisions of this subchapter. The findings of the Mayor on any appeal shall be final.

(Apr. 6, 1982, D.C. Law 4-101, § 1001, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.1.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-210.02. GROUNDS; OBJECTIVES OF HEARING PROCESS.

(a) The Mayor, upon receipt of an application made pursuant to § 4-210.05, shall grant a fair hearing to any applicant for or a recipient of public assistance whose claim for assistance has been denied or has not been acted upon within a reasonable time not to exceed 45 days; or who is aggrieved by any other action or inaction of the Mayor which affects the receipt, termination, amount, kind, or conditions of his assistance.

(b) The following are the major objectives of the hearing process in public assistance:

- (1) To enable the Mayor and the claimant to ascertain jointly the factual basis on which, through proper application of the assistance law and agency policies, a just and equitable decision may be reached;
- (2) To safeguard applicants and recipients from mistaken, negligent, unreasonable, or arbitrary action by agency staff; and
- (3) To reveal aspects of agency policy that are inequitable or constitute a misconstruction of law. It is intended to submit policy to test and argument, and to place in the hands of policy-making officials evidence indicating the need for modification of policies and standards, and the nature of the needed modification.

(c) A hearing need not be granted when either District or federal law requires automatic grant adjustments for classes of recipients of TANF, POWER, or GAC unless the reason for an individual appeal is incorrect computation of the grant.

(Apr. 6, 1982, D.C. Law 4-101, § 1002, 29 DCR 1060; Aug. 17, 1991, D.C. Law 9-27, § 2(j), 38 DCR 4205; Mar. 20, 1998, D.C. Law 12-60, § 701(t), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(hhh), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.2.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 101(j) of Omnibus Budget Support Temporary Act of 1991 (D.C. Law 9-19, June 21, 1991, law notification 38 DCR 5786).

For temporary (225 day) amendment of section, see § 2(r) of Public Assistance Temporary Amendment Act

of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(t) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12-21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) amendment of section, see § 701(t) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

For temporary (225 day) amendment of section, see § 2(r) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(hhh) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 101(j) of the Omnibus Budget Support Emergency Act of 1991 (D.C. Act 9-37, May 17, 1991, 38 DCR 3390).

For temporary amendment of section, see § 101(j) of the Omnibus Budget Support Congressional Recess Emergency Act of 1991 (D.C. Act 9-69, July 24, 1991, 38 DCR 4945).

For temporary amendment of section, see § 2(r) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(r) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(t) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(t) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(t) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

For temporary amendment of section, see § 2(r) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(hhh) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(hhh) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(hhh) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(hhh) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 9-27, see Historical and Statutory Notes following § 4-205.05a.

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 4-210.03. HEARING OFFICERS.

(a) All hearings relating to individual appeals shall be conducted by properly designated hearing officers. Hearing officers are directly responsible to the Mayor in carrying out their duties.

(b) The Mayor shall designate other Department personnel to serve as hearing officers when regular hearing officers are absent or when the number of requests for hearings are too numerous to be expedited by the regular hearing officers. Hearing officers shall be selected from personnel who are not connected with public assistance activity or otherwise involved with the implementation of the public assistance program and shall be directly responsible to the Mayor in carrying out the duties of the hearing officer.

(Apr. 6, 1982, D.C. Law 4-101, § 1003, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.3.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-210.04. NOTIFICATION OF RIGHT TO REQUEST HEARING AND METHOD OF MAKING REQUEST.

(a) Written information regarding the right to request a hearing and the method of making such request shall be furnished by the Mayor to each public assistance applicant or recipient at the time of application and whenever the Mayor notifies the applicant or recipient that it intends to take action which may or will adversely affect him or her or his or her benefits, including changes in or terminations of assistance payments. Such written notice shall include information that the claimant has the right to be represented by legal counsel or by a lay person who is not an employee of the District; that he may bring witnesses in his or her behalf; that reasonable expenses related to the hearing, such as transportation costs for the claimant and his or her witnesses, will be paid by the Mayor, and that legal services are available to the claimants.

(b) A copy of the rules relating to hearing procedures will be furnished to all claimants at the time a hearing is requested pursuant to § 4-210.05.

(Apr. 6, 1982, D.C. Law 4-101, § 1004, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(iii), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.4.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(iii) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(iii) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(iii) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(iii) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(iii) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-210.05. REQUEST FOR HEARING.

Any applicant or recipient, or his or her representative may request a hearing by giving a clear expression, oral or written, that he or she wants an opportunity to present his or her case to a higher authority. A request for a hearing shall be accepted by any administrative staff member employed by the Mayor to whom the request is submitted. The Mayor shall acknowledge promptly any request for a hearing, and a representative of the Mayor shall assist the claimant in submitting and processing his request for hearing. The Mayor shall treat a request made by a representative of the claimant as if made by the claimant; provided, that the claimant shall submit written authorization within 10 days of such request designating that person as his or her representative.

(Apr. 6, 1981, D.C. Law 4-101, § 1005, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.5.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-210.06. HEARING INVOLVING MEDICAL ISSUES.

When the hearing involves medical issues, the medical assessment of the claimant's condition must be

made by a medical authority other than the persons who made the original medical determination if the hearing officer or the claimant considers an additional examination necessary. The additional medical assessment shall be limited to one assessment which shall be obtained at agency expense, and, when requested by the claimant, shall be obtained from a medical source satisfactory to the claimant.

(Apr. 6, 1982, D.C. Law 4-101, § 1006, 29 DCR 1060; Aug. 17, 1991, D.C. Law 9-27, § 2(k), 38 DCR 4205.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.6.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 101(k) of Omnibus Budget Support Temporary Act of 1991 (D.C. Law 9-19, June 21, 1991, law notification 38 DCR 5786).

Emergency Act Amendments

For temporary amendment of section, see § 101(k) of the Omnibus Budget Support Emergency Act of 1991 (D.C. Act 9-37, May 17, 1991, 38 DCR 3390).

For temporary amendment of section, see § 101(k) of the Omnibus Budget Support Congressional Recess Emergency Act of 1991 (D.C. Act 9-69, July 24, 1991, 38 DCR 4945).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 9-27, see Historical and Statutory Notes following § 4-205.05a.

§ 4-210.07. PROCEDURES FOR ADMINISTRATIVE REVIEW OF REQUEST.

The Mayor shall establish procedures for administrative review of every request for a hearing. The purpose of such review shall be ascertainment of the validity of the Mayor's position, and, if possible, achievement of an informal solution of the claim. Such procedures shall include:

- (1) Notice to the claimant at the time of adverse agency action, including the decision to take future action, of his or her right to a fair hearing and to administrative review of that action, and notice that he or she may be represented at the hearing or the administrative review either by an attorney or lay person; provided, that such representative shall serve only in an advisory capacity to the claimant at the administrative review;
- (2) Notice to the claimant of the time and place of such review;
- (3) Notice to the claimant of the purpose of such review;
- (4) Notice to the claimant that such review will not be made unless he appears, but that his failure to appear will not affect his or her right to the hearing he or she has previously requested;
- (5) Notice to the claimant of the result of such review;
- (6) Advice to the claimant that, if the result of such review is not satisfactory to him, the hearing which he previously requested will be held; and
- (7) Advice to the claimant that, if he or she is satisfied with the result of such review, his or her request for a hearing will be considered formally withdrawn, and that he or she may be required to sign a statement confirming such withdrawal.

(Apr. 6, 1982, D.C. Law 4-101, § 1007, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.7.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-210.08. TIME, DATE, AND PLACE OF HEARING.

The hearing shall be held at a time, date, and place designated by the Mayor's agent. Adequate notice shall be given the claimant and his or her representative, including such information concerning hearing procedures as may be necessary for his or her effective preparation therefor. If the claimant shall notify the Mayor's agent that either the time or place designated by the Mayor's agent is not convenient to him or her

and requests a new time or place for such hearing, the hearing officer shall designate another time or place which is convenient to the claimant if he or she deems the claimant has sufficient reason for so requesting a change.

(Apr. 6, 1982, D.C. Law 4-101, § 1008, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.8.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-210.09. TIME LIMIT ON REQUESTS.

(a) A request for a hearing to review adverse action by the Mayor concerning any new application for public assistance or any application or request for a change in the amount, kind, or conditions of public assistance must be made within 90 days following the postmark of the notification to the applicant or recipient, pursuant to § 4-210.04, of such adverse action by the Mayor and of his or her right to a hearing with respect to that action.

(b) A request for a hearing to review a decision by the Mayor to terminate, reduce, or change the amount, kind, or conditions of public assistance benefits, or to take other action adverse to the recipient must be made within 90 days following the postmark of notice from the Mayor of his or her intention to make such change or take such action.

(c) A request for a hearing must be granted by the Mayor. A time and place shall be designated for such hearing and the applicant shall be notified of such time and place within 5 days of this request for a hearing. Hearing shall be held within a reasonably short time following the request, such time not to exceed 45 days following the initial request for a hearing.

(Apr. 6, 1982, D.C. Law 4-101, § 1009, 29 DCR 1060; Sept. 10, 1985, D.C. Law 6-35, § 2(o), 32 DCR 3778.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.9.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 6-35, see Historical and Statutory Notes following § 4-202.05.

§ 4-210.10. HEARING PROCEDURE ENUMERATED.

The hearing officer shall conduct the hearing in such a manner as to insure that both the claimant and the Mayor's agent have the opportunity to present all facts which in their judgment have a bearing on the hearing, and have adequate opportunity to examine material that will be introduced as evidence. He or she shall cause the pertinent proceedings to be recorded. He or she shall allow the individual, or his or her counsel, to examine and cross-examine and to present oral argument and documentary evidence. He or she shall permit the Mayor to introduce such evidence from the case record or other data secured by special investigation as pertains to the case, providing that such data is also made available to the claimant or his or her representative. If data from a special investigation is used, the claimant or his or her representative shall have the opportunity to examine the Mayor's agent's investigator who performed such investigation and to inspect and use for the purpose of cross-examination any data, document, or record secured by the Mayor's agents having any bearing on the matter involved or in the decision giving rise to the hearing. If data from the case record is used, the claimant, or his or her representative, shall be allowed to inspect the case record for the purpose of discovering information favorable to the claimant's case. The Mayor's agents shall not be represented by an attorney at any hearing or administrative review in which the claimant is not represented by an attorney.

(Apr. 6, 1982, D.C. Law 4-101, § 1010, 29 DCR 1060; Feb. 27, 1998, D.C. Law 12-55, § 2(a), 44 DCR 6068.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.10.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(a) of Public Assistance Fair Hearing Procedures Temporary Amendment Act of 1996 (D.C. Law 11-205, April 9, 1997, law notification 44 DCR 2400).

Emergency Act Amendments

For temporary amendment of section, see § 2(a) of the Public Assistance Fair Hearing Procedures Emergency Amendment Act of 1996 (D.C. Act 11-313, August 2, 1996, 43 DCR 4363), § 2(a) of the Public Assistance Fair Hearing Procedures Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-424, October 28, 1996, 43 DCR 6139), § 2(a) of the Public Assistance Fair Hearing Procedures Second Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-481, December 30, 1996, 44 DCR 215), § 2(a) of the Public Assistance Fair Hearing Procedures Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12- 24, March 3, 1997, 44 DCR 1776), and § 2(a) of the Public Assistance Fair Hearing Procedures Second Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-193, November 28, 1997, 44 DCR 7480).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

Law 12-55, the "Public Assistance Fair Hearing Procedures Amendment Act of 1997," was introduced in Council and assigned Bill No. 12-257, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on July 1, 1997, and September 22, 1997, respectively. Signed by the Mayor on October 3, 1997, it was assigned Act No. 12-172 and transmitted to both Houses of Congress for its review. D.C. Law 12-55 became effective on February 27, 1998.

§ 4-210.11. FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS BY HEARING OFFICER.

(a) The hearing officer shall prepare a written summary of findings and conclusions based exclusively on the evidence presented at the hearing and shall make appropriate recommendations based upon his or her findings and conclusions. The summary of findings and conclusions shall state the policies, regulations, or laws upon which the hearing officer's recommendations are based. Recorded testimony and exhibits, together with all papers and requests filed in the proceeding, and the hearing officer's findings, conclusions, and recommendations will constitute the exclusive record for decision by the hearing authority, and will be available to the claimant at a place accessible to him or his representative at any reasonable time for a period not to exceed 2 years or until all litigation involving the decision is terminated. Nonrecorded or confidential information which the claimant does not have the opportunity to hear or see shall not be made a part of the hearing record nor used in a decision on the appeal. Hearings shall be transcribed if requested by the claimant, if ordered by the hearing officer, or for purposes of judicial review. All costs of transcription shall be borne by the Mayor.

(b) The hearing officer shall submit his or her written findings, conclusions, and recommendations, which shall at the same time be directly transmitted to the claimant, or his or her representative, with an explanation that such written findings, conclusions, and recommendations have been submitted to the Mayor's agent and do not constitute the final decision of the Mayor's agent.

(c) If the hearing officer recommends that the action of the Mayor's agent be sustained, the claimant shall be notified that he or she has 10 days after he or she receives the findings, conclusions, and recommendations in which to submit to the hearing officer any newly-discovered evidence he or she has in support of his or her position, and any objections, corrections, or exceptions he has to the findings and recommendations, and any brief that he or she or his or her counsel or representative may desire to submit. Newly-discovered evidence and objections, corrections, or exceptions submitted by the claimant within the 10-day period shall be reviewed and considered by the hearing officer who shall submit a supplemental recommendation to the Mayor's agent to sustain or not to sustain the action of the Mayor. The hearing officer may, in his or her discretion, reconvene the hearing for the purpose of taking further evidence. When the hearing officer recommends that the action of the Mayor not be sustained, the hearing record when completed shall be forwarded immediately for the decision of the Mayor's agent.

(Apr. 6, 1982, D.C. Law 4-101, § 1011, 29 DCR 1060; Feb. 27, 1998, D.C. Law 12-55, § 2(b), 44 DCR 6068.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.11.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(a) of Public Assistance Fair Hearing Procedures Temporary Amendment Act of 1996 (D.C. Law 11-205, April 9, 1997, law notification 44 DCR 2400).

For temporary amendment of section, see § 2(b) of the Public Assistance Fair Hearing Procedures Emergency Amendment Act of 1996 (D.C. Act 11-313, August 2, 1996, 43 DCR 4363), § 2(b) of the Public Assistance Fair Hearing Procedures Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-424, October 28, 1996, 43 DCR 6139), § 2(b) of the Public Assistance Fair Hearing Procedures Second Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-481, December 30, 1996, 44 DCR 215), § 2(b) of the Public Assistance Fair Hearing Procedures Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-24, March 3, 1997, 44 DCR 1776), and § 2(b) of the Public Assistance Fair Hearing Procedures Second Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-193, November 28, 1997, 44 DCR 7480).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-55, see Historical and Statutory Notes following § 4-210.10.

§ 4-210.12. FINAL DECISION BY MAYOR'S AGENT.

(a) The Mayor's agent shall render a final decision on the claimant's appeal no later than 60 days after the date of his or her initial request for a hearing. If, however, the date of the hearing is postponed at the claimant's request, or if the claimant submits new evidence following the close of his or her hearing, causing it to be reopened, the length of the postponement or the delay caused by the reopening may be added to the 60-day period.

(b) The Mayor's agent shall overrule the hearing officer in instances where he or she does not agree with findings, conclusions, or recommendations presented for decision. In such case, the reasons for the Mayor's agent's decision shall be specified in writing and shall be made a part of the hearing record.

(c) All decisions of the Mayor's agent shall be final and binding upon the Mayor and shall be put into effect immediately unless otherwise specifically indicated in the action. When the hearing decision is favorable to the claimant, or when the Mayor's agent decides in favor of the claimant prior to the hearing, the Mayor's agent shall authorize corrected payments retroactively to the date the incorrect action was taken.

(Apr. 6, 1982, D.C. Law 4-101, § 1012, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.12.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-210.13. NOTIFICATION OF DECISION AND RIGHT TO JUDICIAL REVIEW.

The Mayor's agent shall transmit his or her written decision and any further written statement required by § 4-210.12 to the claimant. If the decision is adverse to the claimant, the Mayor's agent shall notify him or her of his or her right to judicial review.

(Apr. 6, 1982, D.C. Law 4-101, § 1013, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.13.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-210.14. RIGHT TO REQUEST HEARING WHILE ABSENT FROM DISTRICT.

A recipient shall have the same right to a hearing while absent from the District that he or she had while living in the District.

(Apr. 6, 1982, D.C. Law 4-101, § 1014, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.14.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-210.15. FILE OF HEARING DECISIONS.

The Mayor will maintain a file of all hearing decisions, with identifying information deleted, that will be accessible to claimants, their representatives, and other persons upon request to the Mayor.

(Apr. 6, 1982, D.C. Law 4-101, § 1015, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.15.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-210.16. CLASS ACTION PERMITTED; CORRECTION OR CHANGE IN POLICY, CONSTRUCTION, OR INTERPRETATION.

(a) Where a request for hearing has been made on an action taken by the Mayor, and the hearing officer finds that the issue or policy involved directly affects or will affect other recipients or claimants similarly situated, the hearing officer may, upon application by 1 of the recipients who is or will be so affected, allow a class action on behalf of the others similarly situated. The hearing officer, with the consent of the claimants, may consolidate hearings which present similar issues on his or her own motion or at the request of the claimants.

(b) Whenever a claimant challenges a departmental policy or the administrative construction or interpretation of relevant statutes, regulations, orders, or departmental directives, and his or her claim for relief is granted by the hearing officer and the Mayor's agent because of a misapplication of law contained in the policy, construction or interpretation, the Mayor will correct the challenged policy, construction or interpretation.

(c) Whenever the Mayor changes a policy, construction or interpretation, he or she shall immediately make a reasonable effort to find and notify all recipients affected thereby, and shall make appropriate adjustments in the welfare benefits or decisions of the Mayor which were based upon the erroneous policy or practice.

(Apr. 6, 1982, D.C. Law 4-101, § 1016, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(jjj), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.16.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(jjj) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(jjj) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(jjj) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(jjj) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(jjj) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-210.17. CONFIDENTIALITY.

If the claimant waives in writing his or her privilege of confidentiality as to the hearing, he or she shall be permitted by the Mayor to invite to the hearing any reasonable number of members of the public as he deems appropriate; provided, that the hearing officer may, in his discretion, considering the space and seating capacity of the room in which the hearing is to be held, impose limitations on the number of persons allowed to attend the same.

(Apr. 6, 1982, D.C. Law 4-101, § 1017, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.17.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-210.18. NOTICE PROVISIONS OF § 4-205.54 APPLICABLE.

When the reduction or termination is the result of information contained in a periodic report the recipient has filed, or of the recipient's failure to file a report, or file a complete report, under § 4-205.54, then the Mayor is required to follow the notice provisions of that section.

(Apr. 6, 1982, D.C. Law 4-101, § 1018, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(kkk), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.18.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(kkk) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(kkk) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(kkk) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(kkk) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(kkk) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-210.19. ASSISTANCE RECEIVED DURING PENDENCY OF DECISION.

(a) Repealed.

(b) Assistance under the TANF, POWER, or GAC programs received pending a hearing decision shall be considered as an overpayment if the proposed action to change or terminate benefits is sustained.

(Apr. 6, 1982, D.C. Law 4-101, § 1019, 29 DCR 1060; Mar. 20, 1998, D.C. Law 12-60, § 701(u), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(III), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-210.19.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act

of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(u) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12- 21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) amendment of section, see § 701(u) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(III) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(u) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(u) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(u) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(III) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(III) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(III) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(III) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

SUBCHAPTER XI. MISCELLANEOUS PROVISIONS RELATING TO SPECIFIC PAYMENTS.

§ 4-211.01. HOME REPAIRS--RUN-DOWN PREMISES.

The Mayor may authorize an expenditure for repairs to a home which a recipient of TANF, POWER, or GAC owns or is buying, when there has been no assignment or transfer to the District of such property, if:

(1) A determination has been made that:

(A) The home is so defective that continued occupancy is not warranted;

(B) Unless repairs are made the recipient would have to move to rental quarters; and

(C) The rental cost of quarters for the recipient and his family over a period of 2 years would exceed the cost of repairs needed to make the home habitable together with other costs attributable to continued occupancy of the home; and

(2) There has been no expenditure for repairs prior to the determination described in paragraph (1) of this section.

(Apr. 6, 1982, D.C. Law 4-101, § 1101, 29 DCR 1060; Mar. 20, 1998, D.C. Law 12-60, § 701(v), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(mmm), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-211.1.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(v) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12-21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) amendment of section, see § 701(v) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(mmm) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(v) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(v) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(v) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(mmm) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(mmm) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(mmm) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(mmm) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 4-211.02. HOME REPAIRS--PROTECTION OF DISTRICT INTEREST.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 1102, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(nnn), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-211.2.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(nnn) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 2(nnn) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(nnn) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(nnn) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(nnn) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-211.03. HOME REPAIRS--FEDERAL FINANCIAL PARTICIPATION.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 1103, 29 DCR 1060; Mar. 20, 1998, D.C. Law 12-60, § 701(w), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(ooo), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-211.3.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(ooo) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 2(ooo) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ooo) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ooo) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ooo) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-211.04. MOVING COSTS PERMITTED.

The Mayor may pay moving costs when necessary to enable a recipient of public assistance to move into public or private housing.

(Apr. 6, 1982, D.C. Law 4-101, § 1104, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-211.4.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-211.05. AUTHORIZATION OF PAYMENT FOR MOVING COSTS.

The payment may be authorized:

- (1) As a money payment to the recipient when he or she makes his or her own arrangements for moving; or
- (2) As a vendor payment to the moving firm when arrangements must be made by the Mayor.

(Apr. 6, 1982, D.C. Law 4-101, § 1105, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-211.5.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-211.06. PROMPT PAYMENT OF DISREGARDED SUM.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 1202, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(ppp), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-211.6.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(s) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(ppp) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 2(ppp) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ppp) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ppp) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ppp) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

SUBCHAPTER XII. PAYMENTS TO INCAPACITATED INDIVIDUALS.

§ 4-212.01. PAYMENT TO INCAPACITATED RECIPIENT.

Whenever a recipient has been found by the Mayor to be incapable of taking care of himself or herself, his or her property, or his or her money, and a person has been judicially appointed as legal representative, or a responsible person has been appointed by the Mayor, on behalf of such incapacitated individual for the purpose of receiving and managing such individual's public assistance payments (whether or not he is such individual's legal representative for other purposes), public assistance payments may be made on behalf of such individual to such judicially appointed legal representative, or to such responsible person appointed by the Mayor.

(Apr. 6, 1982, D.C. Law 4-101, § 1201, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-212.1.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-212.02. PROTECTIVE OR VENDOR PAYMENTS ON BEHALF OF DEPENDENT CHILDREN.

(a) The Mayor may authorize protective or vendor payments on behalf of dependent children under the following conditions:

(1) It has been clearly determined that the parent or relative persistently mismanages the assistance payment to the detriment of the child as evidenced by such factors as the improper clothing and feeding of the children, failure to pay rent resulting in repeated evictions, and other similar indications of money mismanagement.

(2) The individual selected as payee for the family has demonstrated his or her interest and concern in the welfare of the family, has the ability to establish and maintain a positive relationship and help the family to make proper use of the assistance payment, and is a responsible and dependable person. Members of the staff of the Mayor or persons whose selection might create a conflict of interest, such as grocers or landlords, shall not be selected as payees.

(3) A determination has been made as to what requirements, if any, will be met by vendor payments to persons providing goods and services with, to the extent possible, the participation and consent of the caretaker in the assistance unit.

(b) The Mayor, with the cooperation of the payee, will undertake and continue special efforts to develop greater ability on the part of the relative to manage funds in such manner as to protect the welfare of the family.

(c) The cases of children for whom protective or vendor payments are being made shall be reviewed at least every 6 months to determine whether there is a need to continue such payments, or, if the relative is considered able to manage funds in the best interest of the children, whether assistance can be resumed as a direct money payment.

(d) Provision will be made for termination of protective payments, or payments to a person furnishing goods or services, as follows:

(1) When caretakers are considered able to manage funds in the best interest of the child, there will be a return to money payment status.

(2) When it appears that need for protective payments or payments to a person furnishing goods or services will continue or is likely to continue beyond 1 year because all efforts have not resulted in sufficiently improved use of assistance in behalf of the child, judicial appointment of a guardian, or other legal representative may be sought and such payments will terminate when the appointment has been made.

(e) An opportunity for a fair hearing will be given to the relative of the children with respect to the determination of whether a protective or vendor payment should be made or continued, the selection of the payee, or if foster care should be provided.

(f) Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 1202, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(qqq), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-212.2.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(qqq) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(qqq) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(qqq) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(qqq) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(qqq) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-212.03. PROTECTIVE PAYMENTS ON BEHALF OF ADULT RECIPIENTS.

(a) The Mayor may authorize protective payments on behalf of adult recipients of public assistance under the following conditions:

(1) When there has been made clear determination that a needy individual has, by reason of physical or mental impairment, such inability to manage funds that making payments to him would be contrary to his or her welfare, as evidenced by his or her repeated failure to pay for rent and other essentials, exploitation of him or her in money matters by other persons, and medical or psychological reports indicating severe intellectual disability, disorientation, or memory loss; and

(2) When the individual selected as payee has shown an interest in and concern for the welfare of the recipient, is accessible to the recipient, has the ability to establish and maintain a positive friendly relationship with the recipient, and is dependable and able to use the assistance payment in the best interests of the recipient. Members of the staff of the Mayor or persons whose selection might create a conflict of interest, such as grocers or landlords, shall not be selected as payees.

(b) The adult recipient shall be given the opportunity for a fair hearing with respect to any decision to make or continue protective payments or the selection of the payee.

(c) The Mayor will undertake and continue special efforts to improve, to the extent possible, the recipient's capacity for self-care and his or her ability to manage funds.

(d) Reconsideration of the need for protective payments shall be made as indicated by the recipient's circumstances and, in any event, at least every 6 months.

(e) The Mayor shall initiate court proceedings for the judicial appointment of a guardian or other legal representative whenever it appears that such an appointment will best serve the interests of the recipient.

(f) The Mayor shall authorize protective payments only when the Mayor can meet total need for all cases based on the current standards for requirements.

(g) Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 1203, 29 DCR 1060; Mar. 20, 1998, D.C. Law 12-60, § 701(x), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(rrr), 46 DCR 905; Sept. 26, 2012, D.C. Law 19-169, § 9, 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-212.3.

Effect of Amendments

D.C. Law 19-169, in subsec. (a)(1), substituted "severe intellectual disability" for "severe mental retardation".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12- 21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) amendment of section, see § 701(x) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

For temporary (225 day) amendment of section, see § 2(rrr) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(x) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(x) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

For temporary amendment of section, see § 2(rrr) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(rrr) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), §

2(rrr) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(rrr) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For history of Law 19-169, see notes under § 4-114.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

SUBCHAPTER XIII. ACTIONS FOR SUPPORT FROM RESPONSIBLE RELATIVES.

§ 4-213.01. ACTION FOR SUPPORT.

(a) Responsible relatives for any applicant or recipient of public assistance shall be limited to spouse for spouse, and parent for a child under the age of 21, and their financial responsibility shall be based upon their ability to pay. Any such applicant or recipient of public assistance or person in need thereof, or the Mayor, may bring an action to require such financially responsible spouse or parent to provide such support, and the Court shall have the power to make orders requiring such spouse or parent to pay such eligible applicant or recipient of public assistance such sums or sums of money in such installments as the Court in its discretion may direct, and such orders may be enforced in the same manner as orders for alimony.

(b) The Mayor may, on behalf of the District, sue such spouse or parent for the amount of public assistance granted to such recipient under this chapter or under any act repealed by this chapter, or for so much thereof as such spouse or parent is reasonably able to pay.

(c) All suits, actions, and court proceedings under this section shall be brought in the Family Division of the Superior Court of the District of Columbia, or in that Court division which may subsequently exercise the jurisdiction exercised by the Family Division on April 6, 1982. To the extent applicable, suits, actions, and proceedings brought pursuant to this section shall be governed by the provisions of Chapter 11 of Title 11 and Chapter 23 of Title 16.

(Apr. 6, 1982, D.C. Law 4-101, § 1301, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-213.1.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-213.02. INCOME SCALE EXEMPTIONS.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 1302, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(sss), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-213.2.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(sss) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of §§ 4-213.02 through 4-213.04, see § 2(sss) of the Self-Sufficiency Promotion

Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(sss) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(sss) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(sss) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-213.03. BASIS FOR COMPUTATION OF CONTRIBUTION.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 1303, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(sss), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-213.3.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(sss) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-213.02.

Legislative History of Laws

For legislative history of D.C. Law 12-230, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-213.04. DEPENDENTS DEFINED.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 1304, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(sss), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-213.4.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(sss) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

See notes to § 4-213.02.

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-213.05. NONCOMPLIANCE BY RELATIVE.

Whenever a responsible relative fails to provide information necessary to determine his ability to support, or when it has been determined that he is financially able to but has not contributed to the person in need of assistance, the case shall be evaluated for appropriate action including referral to Corporation Counsel.

(Apr. 6, 1982, D.C. Law 4-101, § 1305, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-213.5.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-213.06. VERIFICATION OF ABILITY TO CONTRIBUTE.

The ability of responsible relatives to contribute shall be determined through verification of earnings and other income at time of application, and whenever circumstances indicate the need to do so, but in no case less frequently than once every 12 months.

(Apr. 6, 1982, D.C. Law 4-101, § 1306, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-213.6.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

SUBCHAPTER XIV. DISTRICT CLAIMS OF SUPPORT FROM ESTATES; FUNERAL EXPENSES.

§ 4-214.01. CLAIM OF DISTRICT AGAINST ESTATE OF RECIPIENT; LIEN IN FAVOR OF DISTRICT; PAYMENT OF SHARE TO UNITED STATES.

(a) At the death of any person who has received public assistance in the form of Old Age Assistance, or Aid to the Disabled pursuant to the provisions of this chapter, or of any act repealed by this act, the District shall have a preferred claim for the amount of any such public assistance against the estate of the deceased recipient. Notwithstanding the provisions of any other law, no statute of limitations shall be deemed applicable as a defense to any claim of the District made pursuant to this section. The Mayor may waive any such claim when in his or her judgment he or she deems it appropriate to do so.

(b) In addition to the remedy provided by subsection (a) of this section, or by any other provision of law, the Mayor may file a notice in the Office of the Recorder of Deeds in any case where public assistance in the form of Old Age Assistance or Aid to the Disabled is granted to any person under this chapter, and such notice shall constitute and have the effect of a lien in favor of the District against the real and personal property of such person for the amount of such public assistance which theretofore has been granted or which may thereafter be granted to, or on behalf of, such persons. Any such lien may be enforced by the proceeding filed in the Superior Court of the District of Columbia. The Mayor shall file in the Office of the Recorder of Deeds a release of any such real and personal property from the effect of such lien wherever there has been repaid to the District the amount of the public assistance theretofore granted to, or on behalf of, such person. The Mayor is also authorized to release any such lien when in his or her judgment he or she deems it appropriate to do so. Such notices and release may be filed without payment of fees.

(c) If the District collects from any recipient of public assistance in the form of Old Age Assistance or Aid to the Disabled or from his estate, or otherwise, any amount with respect to public assistance furnished him or her under this chapter, the pro rata share to which the United States is equitably entitled shall be paid to the United States in accordance with the provisions of the Social Security Act, as amended (42 U.S.C. §§ 303, 603, 1203, 1353). The pro rata share due the District shall be deposited as miscellaneous receipts to the credit of the District.

(Apr. 6, 1982, D.C. Law 4-101, § 1401, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-214.1.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

References in Text

"This act," referred to in the first sentence of subsection (a) of this section, is D.C. Law 4-101.

§ 4-214.02. FUNERAL EXPENSES--PAYMENT PERMITTED.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 1402, 29 DCR 1060; May 10, 1989, D.C. Law 7-231, § 13, 36 DCR 492; Aug. 1, 1996, D.C. Law 11-152, § 101, 43 DCR 2978.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-214.2.

Emergency Act Amendments

For temporary repeal of section, see § 2(b) of the Emergency and Public Assistance Emergency Amendment Act of 1996 (D.C. Act 11-277, May 29, 1996, 43 DCR 2971).

For temporary repeal of section, see § 101(b) of the Fiscal Year 1996 Budget Support Congressional Review Emergency Act of 1996 (D.C. Act 11-335, August 1, 1996, 43 DCR 4256).

Legislative History of Laws

For legislative history of D.C. Law 11-152, see Historical and Statutory Notes following § 4-205.52.

§ 4-214.03. FUNERAL EXPENSES--INDIGENT RESIDENTS; WARDS OF DISTRICT.

The Mayor, pursuant to § 4-214.04, may provide for the payment of funeral and burial expenses of children in foster care and persons committed to the Youth Services Administration, Department of Human Services.

(Apr. 6, 1982, D.C. Law 4-101, § 1403, 29 DCR 1060; Aug. 1, 1996, D.C. Law 11-152, § 101(c), 43 DCR 2978; Mar. 24, 1998, D.C. Law 12-81, § 7, 45 DCR 745.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-214.3.

Emergency Act Amendments

For temporary amendment of section, see § 2(c) of the Emergency and Public Assistance Emergency Amendment Act of 1996 (D.C. Act 11-277, May 29, 1996, 43 DCR 2971).

For temporary amendment of section, see § 101(c) of the Fiscal Year 1996 Budget Support Congressional Review Emergency Act of 1996 (D.C. Act 11-335, August 1, 1996, 43 DCR 4256).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 11-152, see Historical and Statutory Notes following § 4-205.52.

Law 12-81, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

§ 4-214.04. FUNERAL ALLOWANCE.

The family of the deceased may choose a funeral director or establishment to provide a funeral service from a list of forms that have signed agreements with the Mayor to provide such services. The Mayor shall pay a maximum of \$450.00 for a complete funeral service including the burial plot.

(Apr. 6, 1982, D.C. Law 4-101, § 1404, 29 DCR 1060; Sept. 26, 1995, D.C. Law 11-52, § 502(i), 42 DCR 3684; Aug. 1, 1996, D.C. Law 11-152, § 101(d), 43 DCR 2978; Apr. 9, 1997, D.C. Law 11-255, § 8(b), 44 DCR 1271.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-214.4.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(e) of Human Services Spending Reduction Temporary Amendment Act of 1995 (D.C. Law 11-29, July 25, 1995, law notification 42 DCR 4002).

Emergency Act Amendments

For temporary amendment of section, see § 2(e) of the Human Services Spending Reduction Emergency Amendment Act of 1995 (D.C. Act 11-35, April 11, 1995, 42 DCR 1834) and § 2(e) of the Human Services Spending Reduction Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-104, July 21, 1995, 42 DCR 4014).

For temporary amendment of section, see § 502(j) of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

For temporary amendment of section, see § 2(d) of the Emergency and Public Assistance Emergency Amendment Act of 1996 (D.C. Act 11-277, May 29, 1996, 43 DCR 2971).

For temporary amendment of section, see § 101(d) of the Fiscal Year 1996 Budget Support Congressional Review Emergency Act of 1996 (D.C. Act 11-335, August 1, 1996, 43 DCR 4256).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 11-52, see Historical and Statutory Notes following § 4-204.06.

For legislative history of D.C. Law 11-152, see Historical and Statutory Notes following § 4-205.52.

For legislative history of D.C. Law 11-255, see Historical and Statutory Notes following § 4-205.11.

SUBCHAPTER XV. ASSIGNMENT OF PUBLIC ASSISTANCE PROHIBITED.

§ 4-215.01. PROHIBITION; IMMUNITY FROM LEGAL PROCESS.

Public assistance awarded under this chapter shall not be transferable or assignable at law or in equity, and none of the money paid or payable to any recipient under this chapter shall be subject to execution, levy, attachment, garnishment, or other legal process, or the operation of any bankruptcy or insolvency law.

(Apr. 6, 1982, D.C. Law 4-101, § 1501, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-215.1.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

SUBCHAPTER XVI. RECORD KEEPING REQUIREMENTS.

§ 4-216.01. MAYOR TO PRESCRIBE REGULATIONS.

(a) Consistent with § 4-209.04, the Mayor is directed to prescribe regulations governing the custody, use, and preservation of the records, papers, files, and communications of the Mayor relating to public assistance. Except as otherwise provided, these regulations shall provide safeguards restricting the use or disclosure of information concerning applicants for or recipients of, public assistance to purposes directly connected with the administration of public assistance.

(b) No person who obtains information by virtue of any regulation made pursuant to subsection (a) of this section shall use such information for commercial or political purposes.

(c) This section and § 4-218.02 shall be construed as state legislation conforming to the requirements of 42 U.S.C. § 1306a.

(Apr. 6, 1982, D.C. Law 4-101, § 1601, 29 DCR 1060; Sept. 10, 1985, D.C. Law 6-35, § 2(q), 32 DCR 3778; Apr. 20, 1999, D.C. Law 12-241, § 2(ttt), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-216.1.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(ttt) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(ttt) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ttt) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ttt) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ttt) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 6-35, see Historical and Statutory Notes following § 4-202.05.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

SUBCHAPTER XVII. FOSTER CARE.

§ 4-217.01. REQUIREMENTS FOR BENEFITS.

The Mayor shall, effective July 1, 1969, provide Aid to Dependent Children in the form of foster care when removal of a child from the home of a parent or relative results from judicial determination that continuation in such home is contrary to the child's welfare, provided:

(1) The child was eligible for Aid to Families with Dependent Children under District and federal law in effect on July 16, 1996 in or for the month in which court proceedings leading to such a determination were initiated; or

(2) The child was living with a relative within 6 months prior to the month such proceedings were initiated and would have been eligible under such law had application been made in his behalf.

(Apr. 6, 1982, D.C. Law 4-101, § 1701, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(uuu), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-217.1.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(t) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(t) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(uuu) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(t) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(t) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(t) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(uuu) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(uuu) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(uuu) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(uuu) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-217.02. TYPES OF PLACEMENT.

Foster care shall be provided in a foster family home or in a child-care institution, whichever best meets the needs of the individual child. The Mayor, in providing such care, may use foster family homes and child-care institutions outside the District of Columbia, provided that such homes and institutions are licensed by the state in which they are located or are approved to meet the standards established by the state for such foster family homes or institutions.

(Apr. 6, 1982, D.C. Law 4-101, § 1702, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-217.2.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-217.03. ADMINISTRATION OF BENEFITS.

The Mayor shall:

(1) Review the plan for each child periodically, but no less frequently than once each year, to assure that he receives proper care and to determine the appropriateness and continued need for placement; and

(2) Provide services which are designed to improve conditions in the home from which the child was removed and effect his return, or otherwise to make possible his being placed in the home of a relative as specified in title IV of the Social Security Act (42 U.S.C. § 601 et seq.).

(Apr. 6, 1982, D.C. Law 4-101, § 1703, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-217.3.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-217.04. FEDERAL FINANCIAL PARTICIPATION.

The Mayor shall claim federal financial participation for foster care payments to the fullest extent permissible under the provisions of title IV of the Social Security Act (42 U.S.C. § 601 et seq.).

(Apr. 6, 1982, D.C. Law 4-101, § 1704, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-217.4.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-217.05. DETERMINATION OF NEED.

(a) The Mayor, in determining the need for public assistance, shall permit:

(1) Repealed.

(2) Applicants for, or recipients of, TANF to retain resources up to the maximum allowable amount of resources that would be permitted to be retained by a household under the Food Stamp Program established pursuant to the Food Stamp Act of 1977, approved September 29, 1977 (91 Stat. 958; 7 U.S.C. § 2011 et seq.) ("Food Stamp Program"), if the Food Stamp household were composed of the members of the TANF assistance unit.

(3) If any real or personal property, including liquid assets, is jointly owned by a member of an assistance unit and another person who is not a member of an assistance unit, the value shall be divided equally among the co-owners and only the portion of the assistance unit member(s) shall be considered as available.

(b) The following shall not be considered resources for the purposes of determining the resources of applicants or recipients of TANF under subsection (a) (2) of this section:

(1) The value of a home which is the usual residence of the assistance unit;

(2) The value of a licensed vehicle, to the extent permitted under the Food Stamp Program to a household composed of the same members as constitute the TANF assistance unit.

(3) The value of 1 burial plot for each member of the assistance unit. The Mayor shall define the term "burial plot" for the purpose of this exclusion.

(4) The equity value of bona fide funeral agreements, up to a total of \$1,500 per person, for each member of the assistance unit;

(5) Real property, for a period of 9 months, that the family unit is making a good faith effort to sell if the family agrees to sign an agreement to dispose of the property and to use the proceeds of the sale to repay any TANF benefits it would not have received if the property had been sold at the beginning of the period. The family will not have to repay an amount greater than the net proceeds from the sale. If there are any remaining proceeds, these proceeds shall be considered a resource. If the property has not been sold within the specified time period, or eligibility stops for any other reason, the entire amount of aid paid during the period shall be treated as an overpayment. The Mayor shall define "good faith effort" for the purpose of this exclusion; and

(6) Basic maintenance items essential to day-to-day living, as defined by the Mayor.

(Apr. 6, 1982, D.C. Law 4-101, § 1705, 29 DCR 1060; Mar. 14, 1985, D.C. Law 5-150, § 2(h), 31 DCR 6425; Sept. 10, 1985, D.C. Law 6-35, § 2(r), 32 DCR 3778; Mar. 20, 1998, D.C. Law 12-60, § 701(y), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(vv), 46 DCR 905; Mar. 2, 2007, D.C. Law 16- 191, § 91(b), 53 DCR 6794.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-217.5.

Effect of Amendments

D.C. Law 16-191, in the lead-in language and par. (5) of subsec. (b), substituted "TANF" for "AFDC".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(y) of General Public Assistance Program Termination Temporary Amendment Act of 1997 (D.C. Law 12- 21, September 23, 1997, law notification 44 DCR 5760).

For temporary (225 day) amendment of section, see § 701(y) of Fiscal Year 1998 Revised Budget Support Temporary Act of 1997 (D.C. Law 12-59, March 20, 1998, law notification 45 DCR 2094).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(vv) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(y) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(y) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(y) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(vv) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(vvv) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(vv) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(vv) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 5-150, see Historical and Statutory Notes following § 4-205.05.

For legislative history of D.C. Law 6-35, see Historical and Statutory Notes following § 4-202.05.

For legislative history of D.C. Law 12-60, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

For Law 16-191, see notes following § 4-204.61.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 4-217.06. MONIES APPLIED TO PURCHASE OF ESSENTIAL ARTICLE.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 1706, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(www), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-217.6.

Temporary Amendments of Section

For temporary (225 day) repeal of section, see § 2(www) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 2(www) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(www) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(www) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(www) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-217.07. CONDITION OF ELIGIBILITY--SOCIAL SECURITY NUMBER; ASSIGNMENT OF SUPPORT RIGHTS.

As a condition of eligibility, each applicant for or recipient of aid, including each child under the TANF or foster care programs operated pursuant to part A of title IV of the Social Security Act (42 U.S.C. § 601 et seq.) shall be required to:

- (1) Furnish to the Mayor a Social Security account number, or to apply for a Social Security number if such a number has not been issued or is not known; and
- (2) Assign to the District of Columbia support rights, consistent with § 4- 205.19(b) and (c).

(Apr. 6, 1982, D.C. Law 4-101, § 1707, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(xxx), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-217.7.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(xxx) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(xxx) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(xxx) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(xxx) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(xxx) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-217.08. CONDITION OF ELIGIBILITY--COOPERATION IN IDENTIFYING AND LOCATING PARENTS, ESTABLISHING PATERNITY, OBTAINING SUPPORT PAYMENTS, AND OTHER PAYMENTS.

(a) As a condition of eligibility for assistance under programs specified in § 4-217.07, unless good cause for refusing to cooperate is determined to exist pursuant to § 4-217.09, each applicant for, or recipient of, assistance shall be required to cooperate in good faith with the District of Columbia in:

- (1) Identifying and locating the absent parent of a child with respect to whom an applicant or recipient requests or obtains assistance;
- (2) Establishing the paternity of a child born out of wedlock with respect to whom an applicant or recipient requests or obtains assistance;
- (3) Establishing a support order for a child with respect to whom an applicant or recipient requests or obtains assistance;
- (4) Modifying any support order for a child with respect to whom an applicant or recipient requests or obtains assistance;
- (5) Enforcing any support order for a child with respect to whom an applicant or recipient requests or obtains assistance; and
- (6) Obtaining any other payment or property due the applicant, recipient, or child with respect to whom an applicant or recipient requests or obtains assistance.

(b) Before requiring cooperation under this section, the Mayor shall notify the applicant or recipient in writing of the right to be excepted from the requirement upon a showing of good cause. The notice shall include each requirement applicable to a good cause determination, and facts concerning the benefits, risks, and consequences of cooperation and pursuing child support.

(c) If the Mayor determines an applicant or recipient has failed to cooperate as required by subsection (a) of this section, without good cause, the IV-D agency shall promptly notify the applicant or recipient. The IV-D agency shall provide the basis for its determination of noncooperation in writing as part of the notice to the applicant or recipient.

(d) Any applicant or recipient aggrieved by the action or inaction of the Mayor regarding the determination of cooperation, noncooperation, or good cause for refusal to cooperate shall be entitled to a hearing. Hearing rights shall be provided in accordance with subchapter X of this chapter.

(e) Each District of Columbia government agency involved in the administration of public assistance or the enforcement of child support obligations under title IV-D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.) shall make reasonable efforts to ensure that the applicant's,

recipient's, or child's whereabouts are kept confidential and take other reasonable measures, within the agency's scope of authority, that are necessary to protect the applicant or recipient and the child from harm in any case in which:

- (1) A claim of good cause for noncooperation is pending;
- (2) A claim of good cause for noncooperation has been granted;
- (3) A civil protection order or temporary protection order has been entered with respect to the applicant, recipient, or the child with respect to whom assistance is claimed; or
- (4) The Mayor has reason to believe that the release of the information may result in harm to the applicant or recipient or the child.

(Apr. 6, 1982, D.C. Law 4-101, § 1708, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(yyy), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-217.8.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(u) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(u) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(yyy) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(u) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(u) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(u) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(yyy) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(yyy) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(yyy) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(yyy) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-217.09. CONDITION OF ELIGIBILITY--EXCEPTION TO COOPERATION.

(a) An applicant for or recipient of aid shall be required to comply with the requirements of § 4-217.08, unless such applicant or recipient is found to have good cause for refusing to so cooperate as determined by the Mayor, in accordance with standards prescribed by the Mayor, and which standards shall take into consideration the best interests of the child on whose behalf aid is claimed.

(b) The Mayor shall make a timely determination of whether good cause exists.

(c) The agency administering assistance shall promptly report any information to the IV-D agency that is provided by the applicant or recipient that relates to a good cause determination.

(d) Assistance shall not be denied, delayed, reduced, or discontinued pending a determination of good cause for refusal to cooperate if the applicant or recipient has made a good faith effort to substantiate the claim.

(e) An applicant or recipient may claim good cause for noncooperation at any time. An applicant's or recipient's decision not to claim good cause shall not preclude the applicant or recipient from claiming good cause at a later date.

(Apr. 6, 1982, D.C. Law 4-101, § 1709, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(zzz), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-217.9.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(v) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(v) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(zzz) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(v) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(v) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(v) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(zzz) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(zzz) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(zzz) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(zzz) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-217.10. CONDITION OF ELIGIBILITY--EFFECT OF FAILURE TO COMPLY.

(a) If an applicant or recipient claims good cause for noncooperation under § 4-217.09 and the Mayor determines that good cause does not exist, the applicant or recipient shall be notified and given an opportunity to cooperate, to withdraw the application for assistance, or to have the assistance case closed. Refusal to cooperate, after such notice and opportunity to cooperate, shall result in imposition of the sanctions provided in subsection (b) of this section.

(b) If an applicant for, or recipient of, assistance, who is the parent of the child with respect to whom assistance is claimed, fails to cooperate as required by § 4-217.08, and the Mayor has determined under § 4-217.09 that the applicant or recipient does not have good cause for noncooperation, the amount of the applicant's or recipient's public assistance grant shall be reduced by 25%.

(c) If the applicant or recipient complies with § 4-217.08 after a determination of noncooperation, the IV-D agency shall promptly notify the agency administering assistance for the family. The agency administering assistance shall restore assistance to the applicant or recipient in the month following the date of cooperation.

(Apr. 6, 1982, D.C. Law 4-101, § 1710, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(aaaa), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-217.10.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(w) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(w) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(aaaa) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

For temporary amendment of section, see § 2(w) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(w) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(w) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(aaaa) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(aaaa) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(aaaa) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), § 2(aaaa) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

§ 2(aaaa) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-217.11. CONDITION OF ELIGIBILITY--PROTECTIVE OR VENDOR PAYMENTS.

If the relative with whom the child is living is found to be ineligible for assistance because of failure to comply with conditions of §§ 4-217.08 and 4-217.09, any aid for which such child is eligible (determined without regard to the needs of the ineligible relative) shall be provided in the form of protective or vendor payments.

(Apr. 6, 1982, D.C. Law 4-101, § 1711, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-217.11.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

SUBCHAPTER XVIII. CRIMINAL PROVISIONS.

§ 4-218.01. FRAUD IN OBTAINING PUBLIC ASSISTANCE; REPAYMENT; LIABILITY OF FAMILY MEMBERS; PENALTIES.

(a) Any person who, with the intent to defraud, by means of false statement, failure to disclose information, or impersonation, or by other fraudulent device, obtains or attempts to obtain or any person who knowingly aids or abets such person in the obtaining or attempting to obtain: (1) any grant or payment of public assistance to which he is not entitled; (2) a larger amount of public assistance than that to which he or she is entitled; (3) payment of any forfeited grant of public assistance; or (4) a public assistance identification card; or any person who with intent to defraud the District aids or abets in the buying or in any way disposing of the real property of a recipient of public assistance shall be guilty of a misdemeanor and shall be sentenced to pay a fine of not more than \$500, or to imprisonment not to exceed one year, or both.

(b) Any person who for any reason obtains any payment of public assistance to which he is not entitled, or in excess of that to which he is entitled, shall be liable to repay such sum, or if continued on assistance, shall have future grants proportionately reduced until the excess amount received has been repaid. In any case in which, under this section, a person is liable to repay any sum, such sum may be collected without interest by civil action brought in the name of the District. Any repayment of General Public Assistance required by this subsection may, in the discretion of the Mayor, be waived in whole or in part, upon a finding by the Mayor that such repayment would deprive such person, his spouse, parent, or child of shelter or subsistence needed to enable such person, spouse, parent, or child to maintain a minimum standard of health and well-being. Collections of overpayments from TANF, POWER, or former Aid to Families with Dependent Children or former GPA recipients shall be made in accordance with rules promulgated by the Mayor.

(c) Any person who is a member of a family that applies for or receives TANF or POWER and who is found, by a federal or District of Columbia court or pursuant to an administrative hearing, on the basis of a plea of not guilty or nolo contendere or otherwise, to have intentionally:

(1) Made a false or misleading statement or misrepresented, concealed, or withheld facts; or

(2) Committed any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity for the purpose of establishing or maintaining the eligibility of the family for aid or of increasing or preventing a reduction in the amount of the aid shall have his or her needs removed from the grant for a period of 6 months upon the first offense, 12 months upon the second offense, and permanently upon the third or a subsequent offense.

(d) The Mayor shall impose the disqualification penalties set forth in subsection (c) of this section upon any person who is a member of a family that applies for or receives TANF or POWER and who is found, after an administrative hearing, to have violated subsection (c) of this section, provided that only the person convicted of fraud shall be penalized and not the entire applicant family unit.

(e) The Mayor shall provide each applicant for TANF or POWER a written notice of the penalties for a finding of fraud pursuant to subsection (c) of this section at the time of his or her application for TANF or POWER.

(Apr. 6, 1982, D.C. Law 4-101, § 1801, 29 DCR 1060; June 30, 1989, D.C. Law 8-14, § 2, 36 DCR 3693; Aug. 17, 1991, D.C. Law 9-27, § 2(l), 38 DCR 4205; Apr. 20, 1999, D.C. Law 12-241, § 2(bbbb), 46 DCR 905; Apr. 20, 1999, D.C. Law 12-254, § 2(a), 46 DCR 1276.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-218.1.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 101(l) of Omnibus Budget Support Temporary Act of 1991 (D.C. Law 9-19, June 21, 1991, law notification 38 DCR 5786).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1997 (D.C. Law 12-7, August 1, 1997, law notification 44 DCR 4639).

For temporary (225 day) amendment of section, see § 2(x) of Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130, July 24, 1998, law notification 45 DCR 6501).

For temporary (225 day) amendment of section, see § 2(bbbb) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 101(l) of the Omnibus Budget Support Emergency Act of 1991 (D.C. Act 9-37, May 17, 1991, 38 DCR 3390).

For temporary amendment of section, see § 101(l) of the Omnibus Budget Support Congressional Recess Emergency Act of 1991 (D.C. Act 9-69, July 24, 1991, 38 DCR 4945).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(bbbb) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(bbbb) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(bbbb) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(bbbb) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

Law 8-14, the "Public Assistance Act of 1982 Amendment Act of 1989," was introduced in Council and assigned Bill No. 8-73, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on April 18, 1989 and May 2, 1989, respectively. Signed by the Mayor on May 12, 1989, it was assigned Act No. 8-30 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 9-27, see Historical and Statutory Notes following § 4-205.05a.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

Law 12-254, the "Food Stamp Trafficking and Public Assistance Fraud Control Act of 1998," was introduced in Council and assigned Bill No. 12-520, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 29, 1998, it was assigned Act No. 12-602 and transmitted to both Houses of Congress for its review. D.C. Law 12-254 became effective on April 20, 1999.

§ 4-218.02. PENALTY FOR VIOLATION OF § 4-218.01(B); PROSECUTIONS.

Any person violating § 4-218.01(b) shall be punished by a fine of not more than \$500, or by imprisonment of not more than 90 days, or by both such fine and imprisonment. Prosecutions for such violations and for violations of § 4-218.01(a) shall be brought to the Superior Court of the District of Columbia by the Corporation Counsel or any of his or her assistants.

(Apr. 6, 1982, D.C. Law 4-101, § 1802, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-218.2.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-218.03. UNAUTHORIZED USE OF IDENTIFICATION CARD.

Any person who sells any card or document issued by the District government to establish or verify eligibility for public assistance, or otherwise permits any person other than the recipient to whom it was issued to use such card or document to obtain public assistance which such user is not otherwise eligible to receive, shall be fined not more than \$500, or imprisoned for not longer than one year, or both.

(Apr. 6, 1982, D.C. Law 4-101, § 1803, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(cccc), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-218.3.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(cccc) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(cccc) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(cccc) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(cccc) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(cccc) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

§ 4-218.04. PROSECUTIONS; SUBPOENAS; WITNESS FEES; PERJURY; COMPULSION OF OBEDIENCE TO SUBPOENA; OATHS.

(a) In addition to any power to bring criminal or civil actions or otherwise carry out the duties under this chapter, the Corporation Counsel shall have the authority to issue subpoenas for a witness to appear and testify or to produce all books, records, papers, or documents in any investigation into alleged violations of this chapter.

(b) A witness, other than those employed by the District of Columbia, summoned under subsection (a) of this section shall be paid the same fees and mileage that a witness is paid in the Superior Court of the

District of Columbia ("Superior Court"), but the fees need not be tendered to the witness before he or she appears and testifies or produces books, records, papers, or documents.

(c) Any willful false swearing on the part of any witness testifying about a material fact pursuant to a subpoena issued under subsection (a) of this section shall be subject to prosecution pursuant to Chapter 24 of Title 22.

(d) If any witness, who has been personally summoned, neglects or refuses to obey the subpoena, the Corporation Counsel may report this fact to the Superior Court. The Superior Court may compel obedience to the subpoena to the same extent as a witness may be compelled to obey the subpoenas of that court.

(e) The Corporation Counsel may administer oaths to any witness summoned in any investigation under subsection (a) of this section.

(Apr. 6, 1982, D.C. 4-101, § 1804, as added Apr. 20, 1999, D.C. Law 12-254, § 2(b), 46 DCR 1276.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-218.4.

Legislative History of Laws

For legislative history of D.C. Law 12-254, see Historical and Statutory Notes following § 4-218.01.

§ 4-218.05. PENALTIES.

(a) Any person who knowingly uses, transfers, acquires, alters, purchases, possesses, or transports one or more food stamp coupons or access devices in a manner not authorized by the Food Stamp Act of 1964, approved August 31, 1964 (78 Stat. 703; 7 U.S.C. § 2011 et seq.) ("Food Stamp Act"), or by regulations issued pursuant to that Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined no more than \$1,000 or imprisoned for not more than 180 days, or both.

(b) In addition to the penalty in subsection (a) of this section, any person convicted of a misdemeanor under this section shall be subject to suspension by the Superior Court from participation in the District of Columbia food stamp program for a period of one year consecutive to that period of suspension mandated by section 6(b)(1) of the Food Stamp Act (7 U.S.C. § 2015(b)(1)).

(c) Prosecution under this section shall be conducted in the Superior Court by the Corporation Counsel.

(d) For purposes of this section, the term:

(1) "Access device" means any card, plate, code, account number, or other means of access, which can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods, or other things of value, or which can be used to initiate a transfer of funds under the Food Stamp Act or regulations issued pursuant to this section.

(2) "Food stamp coupon" means a coupon issued by the United States Department of Agriculture pursuant to the Food Stamp Act or regulations issued pursuant to the Food Stamp Act.

(3) "Person" means an individual, firm, partnership, group, corporation, institution, agency, or other entity, public or private.

(Apr. 6, 1982, D.C. 4-101, § 1805, as added Apr. 20, 1999, D.C. Law 12-254, § 2(c), 46 DCR 1276.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-218.5.

Legislative History of Laws

For legislative history of D.C. Law 12-254, see Historical and Statutory Notes following § 4-218.01.

§ 4-218.06. SUSPENSION, REVOCATION, OR DENIAL OF A BUSINESS LICENSE OR PERMIT.

(a) The Mayor is authorized to suspend, revoke, or deny the issuance or renewal of any business license or permit of any person or entity convicted of food stamp trafficking under this section, the Food Stamp Act, or regulations issued pursuant to the Food Stamp Act.

(b) Prior to the suspension, revocation, or denial of any business license or permit, the affected party shall be given notice, and shall be offered an opportunity to present evidence, and to be heard concerning the

proposed action.

(c) In any hearing pursuant to subsection (b) of this section, a conviction shall create a presumption that the person or entity convicted of food stamp trafficking is unfit to hold the business license or permit at issue.

(Apr. 6, 1982, D.C. 4-101, § 1806, as added Apr. 20, 1999, D.C. Law 12-254, § 2(d), 46 DCR 1276.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-218.6.

Legislative History of Laws

For legislative history of D.C. Law 12-254, see Historical and Statutory Notes following § 4-218.01.

SUBCHAPTER XIX. APPROPRIATIONS.

§ 4-219.01. AUTHORIZATION.

(a) The Mayor shall include in his or her annual estimates of appropriations such sums as may be needed to carry out the provisions of this chapter.

(b) Unobligated balances of appropriations for the Department of Human Services, established by Reorganization Plan No. 2 of 1979, are made available for the purposes of this chapter.

(Apr. 6, 1982, D.C. Law 4-101, § 1901, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-219.1.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

§ 4-219.02. DISBURSEMENT OF EXPENSES.[REPEALED]

(Apr. 6, 1982, D.C. Law 4-101, § 1902, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2, 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-219.2.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(dddd) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary repeal of section, see § 2(dddd) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(dddd) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(dddd) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(dddd) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

SUBCHAPTER XX. NONREVIVAL OF PREVIOUSLY REPEALED OR SUPERSEDED PUBLIC ENACTMENTS; NONABATEMENT OF CAUSES OF ACTION.

§ 4-220.01. NONREVIVAL OF PREVIOUSLY REPEALED OR SUPERSEDED LAWS, ACTS, REGULATIONS, COMMISSIONER'S ORDERS, COMMISSIONERS' ORDERS, AND ADMINISTRATIVE ORDERS; EFFECT OF AMENDMENTS.

(a) The provisions of this subchapter shall not cause the revival of any law, act, regulation, Commissioner's order, Commissioners' order, or administrative order (for the purposes of this subchapter and Title XXIII, "public enactment") previously repealed or superseded.

(b) Any amendment to a law effected by a law, act, regulation, Commissioner's order, Commissioners' order, or administrative order in § 2101 of D.C. Law 4-101 to a public enactment not therein contained shall be considered as having been made on the date of the original enactment of such public enactment and shall continue in effect.

(c) Public enactments repealed by § 2101 of D.C. Law 4-101 shall be considered to have been in effect from their date of original enactment until April 6, 1982, as provided in title XXIII.

(Apr. 6, 1982, D.C. Law 4-101, § 2102, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-220.1.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

References in Text

"Title XXIII," referred to in subsections (a) and (c) of this section, is Title XXIII of the Act of April 6, 1982, D.C. Law 4-101, which contained a disposition table of prior public enactments regarding public assistance programs. D.C. Law 4-101 was an attempt to draw together without substantive change a variety of prior enactments, many of which had never been codified. D.C. Law 4-101 repealed the following public enactments: Chapter 2 of Title 4 of the D.C. Code; certain uncoded D.C. Laws which included 1-74, 1-92, 1-108, and 3-3; certain sections of Act 4-133; and all or portions of certain regulations which included 68-20, 68-28, 68-28a, 69-1, 69-3, 69-19, 69-23, 69-24, 69-26, 69-27, 69-29, 69-30, 69-37, 69-40, 69-49, 69-50, 69-58, 69-59, 70-9, 70-12, 70-29, 71-2, 71-24, 71-29, and 72-17.

§ 4-220.02. NONABATEMENT OF CAUSES OF ACTION.

The enactment of this chapter shall not cause the abatement of any causes of action affecting public enactments repealed by this title.

(Apr. 6, 1982, D.C. Law 4-101, § 2103, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-220.2.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

References in Text

"This title," referred to at the end of this section, is title XXI of D.C. Law 4-101.

§ 4-220.03. NO NEW RIGHTS OR ENTITLEMENTS CREATED; EXCEPTION.

No new rights or entitlements are created by this chapter.

(Apr. 6, 1982, D.C. Law 4-101, § 2104, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(eeee), 46 DCR 905.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-220.3.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(eeee) of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

Emergency Act Amendments

For temporary amendment of section, see § 2(eeee) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(eeee) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(eeee) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(eeee) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 4-201.01.

SUBCHAPTER XXI. SEVERABILITY.

§ 4-221.01. SEVERABILITY.

Should a court of competent jurisdiction hold any provision of this chapter to be invalid, then the remaining provision of the chapter shall be considered to be severable and given full effect.

(Apr. 6, 1982, D.C. Law 4-101, § 2201, 29 DCR 1060.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-221.1.

Legislative History of Laws

For legislative history of D.C. Law 4-101, see Historical and Statutory Notes following § 4-201.01.