

AN ACT

Codification
District of
Columbia
Official Code

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Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Homeless Services Reform Amendment Act of 2005 to clarify the criteria for demonstrating District residency, to provide that certain third parties may verify the residency of an individual or family seeking severe weather shelter, to require that individuals and families seeking severe weather shelter be residents of the District, excluding only low-barrier shelters, and excluding victims of domestic abuse, sexual assault, and human trafficking, and to authorize the Mayor to place families in non-apartment-style severe weather shelters.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Homeless Services Reform Amendment Act of 2010".

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

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

(1) Paragraph (32) is amended to read as follows:

"(32) Resident of the District" means an individual or family who:

“(A) Is not receiving locally administered public assistance from a jurisdiction other than the District;

“(B) Is living in the District voluntarily and not for a temporary purpose and who has no intention of presently moving from the District, which shall be determined and applied in accordance with section 503 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.03); and

“(C) Demonstrates residence by providing:

“(i) A mailing address in the District, valid within the last 2 years;

“(ii) Evidence that the individual or family has applied or is receiving public assistance from the District;

“(iii) Evidence that the individual or a family member is attending school in the District; or

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“(iv) Written verification by a verifier who attests, to the best of the verifier’s knowledge, that the individual or family lives in the District voluntarily and not for a temporary purpose and has no intention of presently moving from the District.”.

(2) A new paragraph (41A) is added to read as follows:

“(41A) “Verifier” means a District resident or a provider who knows where an individual or family seeking shelter lives and who produces evidence of his or her employment as a provider in the case of a provider, or own District residency in the case of a District resident by providing a:

“(A) Valid District driver's license or nondriver's identification;

“(B) District voter registration card;

“(C) Valid lease, rental agreement, rent receipt, deed, settlement papers, or mortgage statement for a residence in the District;

“(D) Valid homeowner's or renter's insurance policy for a residence in the District;

“(E) District property tax bill issued within the last 60 days;

“(F) Utility bill for water, gas, electric, oil, cable, or a land-line telephone issued within the last 60 days; or

“(G) Pay stub issued within the last 30 days showing a District address and District withholding taxes.”.

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

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(1) Subsection (c) is amended to read as follows:

“(c)(1) Whenever the actual or forecasted temperature, including the wind chill factor, falls below 32 degrees Fahrenheit, or whenever the actual or forecasted temperature or heat index rises above 95 degrees Fahrenheit, the District shall make available appropriate space in District of Columbia public or private buildings and facilities for any resident of the District who is homeless and cannot access other housing arrangements. The District may make such space available for any person who is not a resident of the District, is homeless, and cannot access other housing arrangements; provided, that the District shall give priority to residents of the District.

“(2) In making appropriate space available in District of Columbia public or private buildings and facilities, the District shall not use District of Columbia Public Schools buildings currently being used for educational purposes without the prior approval of the Mayor.

“(3)(A) Low-barrier shelters and severe weather shelters operating as low-barrier shelters shall not be required to receive demonstration of residency or prioritize District residents.

“(B) The Mayor may determine whether a person seeking shelter by reason of domestic violence, sexual assault, or human trafficking is a resident of the District without receiving demonstration of District residency in accordance with section 2(32).

“(4) For the purposes of this subsection the term “cannot access other housing arrangements” means that the homeless person is living in a place not intended as a residence,

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such as outdoors, in a vehicle, or in a condemned or abandoned building or is living in a situation that is dangerous to the health or safety of the person or of any family member.”.

(2) Subsection (d) is amended to read as follows:

“(d)(1) Except as provided in paragraph (2) of this subsection, the Mayor shall not place homeless families in non-apartment-style shelters.

“(2) The Mayor is authorized to place homeless families in non-apartment-style shelters that are private rooms only when no apartment-style shelters are available.”.

(c) Section 8 (D.C. Official Code § 4-753.02) is amended as follows:

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(1) Subsection (a)(2) is amended by striking the phrase “section 503 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.03); and ” and inserting the phrase “section 2(32), except that low-barrier shelters and severe weather shelters operating as low-barrier shelters shall not be required to receive demonstration of residency or prioritize District residents, pursuant to subsection (b) of this section; and” in its place.

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

“(a-1) Notwithstanding subsection (a)(2) of this section, the Mayor may exclude certain services within the Continuum of Care from the residency requirement; provided, that the Mayor publishes which services are excluded from the requirement.”.

(3) Subsection (b) is amended by striking the phrase “for assistance.” and inserting the phrase “for assistance. The District shall give priority, however, to an individual or family who establishes proof of residency and homelessness at the time of application for assistance.” in its place.

(d) A new section 8a is added to read as follows.

“Sec. 8a. Grace period for establishing residency.

“An individual or family seeking shelter during severe weather conditions may be afforded a 3-day grace period to establish District residency.”.

(e) Section 26(b)(2) (D.C. Official Code § 4-754.41(b)(2)) is amended to read as follows:

“(2) Review any decision of a provider of services to:

(A) Transfer the client to another provider;

(B) Suspend provision of services to the client for a period longer than 10 days;

(C) Terminate services to the client; or

(D) Deny an application for services; or”.

(f) Section 27(c) (D.C. Official Code § 4-754.42(c) is amended to read as follows:

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“(c) An administrative review shall be completed before the Office of Administrative Hearings shall grant a fair hearing to any client or client representative; except, that the Office of Administrative Hearings may grant a hearing prior to the completion of the administrative

review, on proper notice to all parties, to decide if a notice required by section 19(b) or (c) (other than a notice of an emergency action) has not been given or is invalid on its face.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia