

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 7-221

"Emergency Assistance Program Act of 1988".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 7-68 on first and second readings November 29, 1988, and December 13, 1988, respectively. Following the signature of the Mayor on January 6, 1989, this legislation was assigned Act No. 7-296 published in the January 20, 1989, edition of the D.C. Register, (Vol. 36 page 553) and transmitted to Congress on January 23, 1989 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 7-221, effective March 16, 1989.

DAVID A. CLARKE  
Chairman to the Council

Dates Counted During the 30-day Congressional Review Period:

January 24, 25, 26, 27, 30, 31  
February 1, 2, 3, 6, 7, 8, 9, 21, 22, 23, 24, 27, 28  
March 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15

Codification,  
New Chapter 10 of title 3  
District of Columbia Code  
(1989 Supp.)

AN ACT

**D.C. ACT 7 - 296**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JAN 06 1989

To establish an Emergency Assistance Program and provide eligibility criteria, payment levels, and other administrative provisions for the efficient administration of the program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Emergency Assistance Program Act of 1988".

Sec. 2. Definitions.

For the purposes of this act, the term:

New, Section  
3-1001

(1) "Applicant" means the individual who is applying for emergency assistance for his or her own needs or the needs of those with whom he or she lives and those persons specified in section 6.

(2) "Authorized representative" means a person who is acting responsibly on behalf of an applicant, is at least 18 years of age, and has sufficient knowledge of the circumstances of the client to provide or obtain necessary information on the applicant, or a person who has legal authorization to act on behalf of the applicant.

(3) "Basic necessities" means non-discretionary living expenses limited to the cost of shelter, utilities, food, medical care, and reasonable expenses for clothing, school-related items, household items, or expenses related to employment, transportation, or family-related emergencies.

(4) "Budget month" means the 30-day period prior to the day immediately preceding application.

(5) "Department" means the District of Columbia Department of Human Services, established by Reorganization Plan No. 2 of 1979, approved February 21, 1980 (D.C. Code, Vol. 1).

(6) "Emergency" means a situation in which immediate action is necessary to avoid destitution, establish or re-establish a home, or provide for the

immediate needs of an eligible applicant to relieve or prevent serious harm or prevent displacement from a home.

(7) "Equity" means the current market value of property less any lien indebtedness on the property and reasonable expenses necessary to liquidate the property.

(8) "Household furnishings" means personal property customarily found in the home for use in connection with the maintenance, use, or occupancy of the premises, including furniture, furnishings, household appliances or cooking and eating utensils.

(9) "Income from a boarder" means any money paid to the applicant by a person living in the same household as the applicant, but who is not related to the applicant.

(10) "Personal belongings" means personal property intended for personal use, including clothing, jewelry, watches, personal grooming articles, books, or musical instruments.

(11) "SSI" means the supplemental security income benefits established pursuant to the Social Security Amendments Act of 1972, approved October 30, 1972 (86 Stat. 1465; 42 U.S.C. 1381).

(12) "Vendor" means a provider of a service or a product.

(13) "Verification" means documentation or collateral proof used to confirm the validity of an applicant's circumstances.

### Sec. 3. Requirements.

(a) An application for emergency assistance under this act shall be in writing, on a form prescribed by the Mayor, and signed by the applicant or an authorized representative.

(b) To be eligible for emergency assistance, the applicant shall:

(1) Be presented with an emergency;

(2) Apply for emergency assistance after using all other available resources, except those exempted by sections 10 and 12, including resources actually available from a community source, that would alleviate the emergency;

(3) Meet the requirements of sections 6 through 29; and

(4) Demonstrate that the provision of 1 or more of the available categories of emergency assistance would alleviate the emergency.

(c) If the emergency will occur within the next 2 business days, the Mayor shall take all reasonable steps to process the application in time to resolve the emergency, if the applicant meets all of the appropriate eligibility criteria and the delay is not caused by the failure of the applicant to provide verification or documentation required to make an eligibility determination.

New, Section  
3-1002

Sec. 4. Emergency assistance.

New, Section  
3-1003

(a) Emergency assistance may be provided to a single individual, childless couple, or a family with children, if all conditions for the receipt of emergency assistance imposed by this act are met, except as provided in sections 29 and 30.

(b) The emergency must be that of the applicant.

(c) The applicant must assist fully in establishing eligibility, the nature of the emergency, and the extent of need.

(d) The Mayor shall not be obligated to provide an amount for a requested service if a less costly alternative is available.

(e) Emergency assistance may be in the form of cash, coupons, in-kind benefits, or direct vendor payment.

Sec. 5. Timeframes for emergency assistance and procedures for application.

New, Section  
3-1004

(a) When an application for emergency assistance has been approved for cash or direct vendor payment, the Mayor shall provide emergency assistance within 8 business days from the date of a completed application. Nothing in this section shall prohibit the provision of emergency assistance within a shorter period whenever possible.

(b) An application for emergency assistance shall be considered complete when the application is completed and signed by the applicant and the applicant has provided the information needed to process the application.

(c) The Mayor shall provide the applicant with a written request specifying the information needed to complete the application and discuss with the applicant how to obtain the information.

(d) The Mayor shall not request that the applicant provide documentation that the Mayor can obtain more easily than the applicant, when that determination can be made. The Mayor may use documents, telephone conversations, personal and collateral interviews, reports, correspondence, and conferences to verify information.

(e) **The Mayor** shall have an additional business day to process a **completed** application for each day of delay caused by the applicant's failure to supply additional information or documentation, if the failure arose during the verification of information contained in the completed application and without which the Mayor cannot verify the facts necessary to establish eligibility. The Mayor shall have an additional business day to process the completed application for each day of delay due to an unexplained loss of contact with the applicant, evidence of misrepresentation in the completed application, refusal of a vendor to accept payments, or delay by a third party from whom the Mayor has

requested information and over whom the Mayor has no control.

(f) The Mayor shall provide application forms and accept applications from every person who requests emergency assistance at the time that emergency assistance is sought. Each applicant shall be interviewed for emergency assistance on the date the emergency assistance is requested or, if that is not possible, on the next business day. If the applicant's emergency would occur within the next 2 business days, the Mayor shall interview the applicant on the day emergency assistance is sought.

(g) The Mayor shall provide to each applicant, at the time of application, a clear, concise, written notice containing the rights and responsibilities of the applicant and the responsibilities of the Mayor with respect to this act.

Sec. 6. Applicant unit.

(a) The definition of "applicant" shall include the following individuals who live in the same household:

(1) Persons related by full or half blood, but not beyond first cousin, nephew, or niece, including those of persons of preceding generations as denoted by the prefixes grand, great, and great-great;

(2) Persons related by legal adoption;

(3) Persons related by marriage, including stepchildren and unmarried parents of a common child who live together; and

(4) Individuals not related as defined in paragraphs (1), (2), or (3) who have a joint legal responsibility for emergency assistance requested under sections 21, 22, 23, 24, 25, 26, or 27.

(b) The applicant may include an SSI recipient who meets the criteria of subsection (a) of this section, if the SSI recipient chooses to be part of the unit. The SSI recipient may apply separately for emergency assistance under this act.

(c) A person who meets the criteria of subsection (a) of this section is an eligible applicant, if he or she is temporarily away from the home due to employment, hospitalization, vacation, or a visit. A child who is away at school is an eligible applicant, if he or she demonstrates an intent to resume living at home by returning on occasional weekends or holidays, and during summer vacations.

Sec. 7. Residency requirement.

An applicant must live in the District of Columbia ("District") at the time of application. Migrant workers

New, Section  
3-1005

New, Section  
3-1006



living in the District who meet all criteria for applicants are eligible for emergency assistance.

Sec. 8. Employment requirement.

New, Section  
3-1007

The emergency cannot be the result of any adult applicant refusing, without good cause, to accept employment or training for employment. Good cause for refusing employment or training is demonstrated when the applicant shows, with reliable and credible information, that:

(1) Wages to be paid by the prospective employer are below the minimum wage requirement;

(2) The applicant is physically or mentally unable to perform the employment or gain access to the worksite;

(3) Working conditions at the employment or training site are in violation of applicable health, safety, or worker's compensation laws, rules, or regulations and the violations of health or safety laws, rules, or regulations present a substantial risk to health or safety;

(4) Discrimination by an employer against the adult applicant is based on age, race, sex, color, handicap, religious beliefs, national origin, or political beliefs;

(5) The requirements of the job would be contrary to his or her religious beliefs; or

(6) Child care, which is necessary for the adult applicant to accept the work or training is not available.

Sec. 9. Income eligibility standard.

New, Section  
3-1008

Except as provided in sections 16, 17, and 29, to be eligible for emergency assistance services, the applicant may not have net income in the budget month, as specified in section 11, or resources, as specified in section 13, in excess of the following levels:

<u>Number of Persons</u>	<u>Maximum Monthly Income Level</u>
1 person	\$ 721.25
2 persons	\$ 966.25
3 persons	\$1,211.25
4 persons	\$1,456.25
5 persons	\$1,701.25
6 persons	\$1,946.25
7 persons	\$2,191.25
8 persons	\$2,436.25
9 persons	\$2,646.25

For each additional person beyond 9, add \$245.

Sec. 10. Income exempt from the determination of eligibility.

New, Section  
3-1009

The following income of an applicant will not be counted in calculating income available to the applicant in the budget month:

- (1) Discontinued income, unless available in the budget month;
- (2) Income in kind, including, but not limited to, the value of food donated by the United States Department of Agriculture ("USDA") or a local agency or the value of Food Stamp coupon allotments;
- (3) Payments made to an applicant for children in foster care;
- (4) The value of Low Income Energy Assistance ("LIEA") payments as provided in the Low-Income Home Energy Assistance Act of 1981, approved August 13, 1981 (95 Stat. 893; 42 U.S.C. 8621), made to the applicant or to a vendor on behalf of the applicant, unless the request for emergency assistance is specifically for utility emergency assistance in which case the total amount of LIEA assistance currently available is applied to the requested amount;
- (5) The value of services program benefits of the Department paid on behalf of a client who is an applicant, including, but not limited to, homemaker assistance;
- (6) The value of vendor payments by the Federal or District government or its agents, on behalf of the applicant directly to a vendor, except that a Department-administered Rental Vendor payment made on behalf of an Aid to Families with Dependent Children client who is an applicant will be considered as part of an applicant's income;
- (7) The value of supplemental food assistance provided under programs of Women, Infants and Children ("WIC"), established pursuant to Section 17 of the Child Nutrition Act of 1966, approved August 12, 1977 (91 Stat. 825; 42 U.S.C. 1752), programs for children under the National School Lunch Act, established pursuant to section 13 of Chapter 281 of the National School Lunch Act, approved May 8, 1968 (82 Stat. 117; 42 U.S.C. 1761), or other child nutrition programs, or benefits received under the Older Americans Act, established pursuant to the Older Americans Act of 1965, approved July 14, 1965 (92 Stat. 1525; 42 U.S.C. 3027), including Title VII nutrition programs for the elderly, established pursuant to the Food and Agriculture Act of 1977, approved December 22, 1981 (91 Stat. 1000; 7 U.S.C. 3175);
- (8) The amount of court-ordered child support required to be paid in the budget month by an applicant to another household;
- (9) The earned income of persons age 14 and under;
- (10) The earned income of junior or senior high school students over age 14 employed less than 20 hours per week or employed full-time in the summer months;

(11) Work incentive payments made by the District of Columbia Department of Employment Services; or

(12) The income of a SSI recipient, unless the SSI recipient chooses to be an applicant.

Sec. 11. Income considered in the determination of eligibility.

New, Section  
3-1010

The following income must be considered in calculating the income of the applicant in the budget month:

(1) The net amount of ongoing income received during the budget month, including, but not limited to, income from a boarder, earned income, an Aid to Families with Dependent Children grant, child support payments received, Social Security retirement, survivors and disability insurance benefits, alimony, Veterans' Administration benefits, worker's compensation benefits, unemployment benefits including unemployment compensation benefits and other governmental unemployment benefits, payments from private sick and accident insurance plans, pensions, and retirement benefits, strike benefits, or military allotments;

(2) The value of a Rental Vendor Payment made to a vendor under the Aid to Families with Dependent Children program on behalf of the applicant;

(3) The net amount of discontinued, sporadic, or lump sum income, if it is received in the budget month or has been received in an earlier month and is still available to the applicant; and

(4) The income of an SSI recipient, if the SSI recipient qualifies as an applicant.

Sec. 12. Assets and resources exempt from determination of eligibility.

New, Section  
3-1011

(a) The following resources or assets shall not be considered in calculating income available in the budget month:

(1) The home and surrounding land in which the applicant lives;

(2) All household furnishings and personal belongings in the home;

(3) \$6,000 equity of 1 motor vehicle used for transportation;

(4) The equity in 1 specially equipped motor vehicle used for transporting a physically disabled applicant;

(5) Tools, machinery, or other property used for employment or self-employment, whether or not in the home;

(6) A need-based loan made to an applicant for school related expenses;



(7) The value of burial plans or burial insurance, unless the request for emergency assistance is for the purpose of burial, in which case the amount covered by the burial plan or insurance will be applied to the requested amount of emergency assistance; and

(8) Resources of an applicant receiving SSI benefits, unless the SSI recipient has specifically requested to be an applicant for purposes of receiving emergency assistance.

Sec. 13. Assets and resources considered in the determination of eligibility.

New, Section  
3-1012

The following assets and resources are considered available to the applicant and will be considered in calculating income available to the applicant in the budget month:

(1) The equity in all real property except the home and surrounding land in which the applicant lives;

(2) The equity in all motor vehicles of the applicant not exempted under section 12(a)(3) or (4);

(3) The equity in any interest in recreational vehicles, including, but not limited to, boats, campers, trailers, motorcycles not exempted under section 12(a)(3), snowmobiles, or aircraft;

(4) The equity of any interest in machinery, livestock, or other property or items that are not used for employment or self-employment;

(5) The loan value available to the applicant in insurance plans or the cash or loan value available to the applicant pursuant to an agreement in an escrow or trust fund;

(6) The cash value of an Individual Retirement Account, or a other deferred compensation plan, or pension funds that have been distributed from a plan and are actually available to an applicant;

(7) The actual cash value including, but not limited to, a checking account, a savings account, a certificate of deposit, stocks, and bonds;

(8) The actual cash value of countable resources that have been converted to cash in the budget month; and

(9) The equity in nonexempt resources that were sold, transferred, or traded for less than fair market value within the previous 12 months, when there is reason to believe that the action was taken for the purpose of becoming eligible for emergency assistance pursuant to this act.

Sec. 14. Computation of emergency assistance payments.

New, Section  
3-1013

(a) For purposes of determining the amount of emergency assistance payments, the Mayor shall consider:

(1) Income received during the previous 30-day period, which shall begin on the day prior to the date of application; and

(2) Income certain to be received during the 30 day-period following the date of application.

(b) Income certain to be received during the 30-day period immediately following application will not disqualify an individual who would be eligible based on the income of the 30 days preceding application.

(c) The emergency assistance payments shall be computed by:

(1) Establishing the total amount of countable income and resources available to the applicant;

(2) Determining the applicant's monthly expenses for basic necessities that are actual, reasonable, and appropriate given the applicant's circumstances; and

(3) Subtracting monthly expenses for basic necessities from the total amount of available countable income and resources. Any income that remains is deemed available to meet the costs, in part or total, of the emergency assistance request.

(d) An emergency assistance payment may be authorized which reflects actual need with the application of a payment maximum as may be necessary and as stipulated in each category of emergency assistance.

Sec. 15. Emergency related eligibility.

New, Section  
3-1014

Emergency assistance is available for the categories of emergencies enumerated in sections 15 through 29:

(a) If the applicant has met all other eligibility criteria; and

(b) If 1 or more of the available categories of emergency assistance will substantially, if not entirely, alleviate the emergency during the 30 day period immediately following the initial authorization of payment resulting from an application.

Sec. 16. Food emergency.

New, Section  
3-1015

(a) Emergency assistance is available in a food emergency to an applicant who has applied for regular or expedited food stamps, or, if a current recipient, who is completely without food.

(b) Emergency assistance for food may be in the form of coupon, cash, or in-kind benefits at the discretion of the Mayor.

(c) The amount of emergency assistance shall not exceed the amount of a 3-day food stamp allotment.

(d) The Mayor may establish a mass feeding program pursuant to this act.

Sec. 17. Clothing emergency.

New, Section  
3-1016

(a) Any applicant may receive emergency assistance to replace clothing lost, damaged, or destroyed due to fire, civil disorder, natural or chemical disaster, theft, or vandalism, as verified by a police report, that occurred within 30 days of the application. The provision of emergency assistance may be in-kind or in cash at the discretion of the Mayor.

(b) In determining eligibility for a clothing request under this section, only the income, resources, and assets of that applicant shall be considered.

(c) In addition to the conditions stated under subsection (a), an applicant with children under 18 years of age may receive emergency assistance for those children, if the lack of clothing would constitute a threat to health or safety or prevent school attendance. For the purposes of this subsection, family size means the number of children in the household who are under 18 years of age.

(d) Emergency assistance in a clothing emergency shall be limited to the following maximum payments, if the clothing emergency assistance is in the form of cash:

<u>Number of Children Under 18</u>	<u>Amount of Assistance</u>
1	\$79.00
2	\$94.00
3	\$114.00
4	\$134.00
5	\$154.00

If there are more than 5 children under 18 years of age, add \$25 for each additional eligible child in the applicant unit.

Sec. 18. Essential household items emergency.

New, Section  
3-1017

(a) Emergency assistance for the purchase of any household item, including, but not limited to, linens and cooking utensils, is available as follows:

(1) To replace an item lost, damaged, or destroyed due to a fire, civil disorder, natural or chemical disaster, or theft or vandalism, verified by a police report, that occurred within 30 days of application; or

(2) For the purpose of purchasing of essential household items to reunite a child under 18 years of age with the parents or prevent family displacement.

(b) The maximum total emergency assistance payment shall be the actual cost up to \$100.

Sec. 19. Essential large appliances emergency.

New, Section  
3-1018

(a) Emergency assistance is available for the repair or replacement of a stove, refrigerator, or air conditioner, when medically necessary as verified by a physician, or a washing machine owned by the applicant.

(b) Appliances may be replaced only if repair of the appliance owned and previously used by the applicant is not more than the payment maximum for that item. A washing machine may only be repaired or replaced for an applicant with children under 18 years of age. An appliance repossessed for any reason cannot be replaced.

(c) Repair or replacement of an appliance may be authorized at actual cost up to the following emergency assistance payment maximums:

- (1) stove - \$200.00;
- (2) refrigerator - \$250.00;
- (3) washing machine - \$200.00; and
- (4) air conditioner - \$200.00.

Sec. 20. Essential furniture emergency.

New, Section  
3-1019

(a) Emergency assistance for the purchase of furniture may be granted as follows:

(1) To replace essential furniture when lost, damaged, or destroyed due to a fire, civil disorder, natural or chemical disaster, or theft or vandalism as verified by a police report, that occurred within 30 days of the application; or

(2) If the purpose of the furniture purchase is to reunite a child under 18 years of age with the parents or prevent family displacement.

(b) The maximum emergency assistance payment shall be limited to actual cost up to \$400.00.

Sec. 21. Rent emergency.

New, Section  
3-1020

(a) Emergency assistance is available to prevent the imminent eviction of the applicant, which must be documented by a:

- (1) Landlord-Tenant Court summons or referral;
- (2) Writ of Restitution;
- (3) Notice to Vacate; or
- (4) Verifiable documentation that the applicant

is a tenant who has current rent arrearage.

(b) If the rent arrearage exceeds 6 months, the Mayor shall deny emergency assistance if the arrearage resulted from the expenditure of money for nonessential items, rather than an expenditure for basic necessities. If emergency assistance is granted, emergency assistance payments shall be limited to the actual cost of rent arrearage up to a maximum of \$450 per month. A total payment shall not exceed \$2,700 regardless of the number of months of arrearage.

(c) If mitigating factors are determined to exist, the Mayor may grant emergency assistance payments to pay the rent, including the first month's rent, of an applicant to prevent a family in which children under 18 years of age are present from becoming homeless or displaced. If emergency



assistance is granted, the payments shall be limited to the actual cost of rent arrearage up to \$600 per month. A total payment shall not exceed \$3,600, regardless of the number of months of arrearage.

Sec. 22. Mortgage emergency.

New, Section  
3-1021

(a) Emergency assistance is available to prevent an imminent foreclosure of a mortgage, if all of the following conditions are met:

(1) The applicant owns or is purchasing a home in the District;

(2) The owner or purchaser has equity in the property of at least 10 percent of the assessed value of the property or has made at least 12 consecutive monthly payments on the property;

(3) The applicant is living in the home; and

(4) The applicant has applied for and exhausted all benefits to which the applicant is entitled under the Delinquent Home Mortgage Payments Program as established by the Delinquent Home Mortgage Payments Fund Act of 1984, effective August 10, 1984 (D.C. Law 5-98; D.C. Code, sec. 45-2401 et seq.), before a decision can be rendered on eligibility for, and the amount of, emergency assistance under this act.

(b) Emergency assistance payments shall be limited to the actual cost of the mortgage arrearage up to a maximum of \$600 per month. The total payment shall not exceed \$2,000 regardless of the number of months of arrearage.

Sec. 23. Essential home repairs emergency.

New, Section  
3-1022

(a) Emergency assistance for home repairs is available if all of the following conditions are met:

(1) The applicant owns or is purchasing a home in the District;

(2) The owner or purchaser has equity in the property of at least 10% of the assessed value of the property or has made at least 12 consecutive monthly payments on the property;

(3) The applicant is currently living in the home unless temporarily absent because of the condition of the property; and

(4) The repair is necessary to protect the health or safety of the applicant. The home must be currently uninhabitable or is projected to be uninhabitable during cold weather. Repairs must restore the home to a habitable condition.

(b) The Mayor shall deny emergency assistance payments, if the property for which the applicant requests emergency assistance for home repairs:

(1) Is for sale;



(2) Is not the principal place of residence of the applicant; or

(3) Is being foreclosed.

(c) Emergency assistance is limited to the costs of repairing the following:

(1) The plumbing system;

(2) The water supply system;

(3) The waste disposal system;

(4) The electrical system;

(5) The heating system;

(6) Broken windows;

(7) Broken doors, including locks; and

(8) The roof and chimney.

(d) Repair of an essential home item or "system" shall be limited to actual cost up to a payment maximum of \$1,000.

Sec. 24. Storage and moving emergency.

(a) Emergency assistance for storage and moving is available only if 1 of the following conditions is present:

(1) The applicant seeks to move from a dwelling that is condemned or one that constitutes a substantial threat to health or safety;

(2) The applicant is faced with an imminent eviction as specified in section 21;

(3) The applicant is relocating to or from a family shelter;

(4) The purpose of relocation is to prevent separation of a family in which a child under 18 years of age is present;

(b) Relocation or storage expenses shall be limited to the actual cost up to a maximum of \$500.

New, Section  
3-1023

Sec. 25. Security or damage deposits.

(a) Emergency assistance is available for a security or damage deposit if:

(1) The landlord will not waive the deposit; and

(2) Both the applicant and the landlord sign a repayment agreement that provides that the deposit, less any amount for damages, shall be returned to the Mayor.

(b) A security or damage deposit can only be authorized:

(1) If the applicant is or will be homeless due to fire, civil disorder, or natural or chemical disaster; or

(2) The purpose of the deposit is to reunite a child under 18 years of age with his or her parent or prevent family breakdown; or

(3) In the case of a single individual or childless couple, the applicant is homeless and the provision of the emergency assistance would alleviate the homelessness.

New, Section  
3-1024

(c) Payment shall be made directly to the landlord and shall be the actual amount of the deposit up to a maximum as specified by vendor. The amount of the security or damage deposit cannot be more than 1 month's rent.

Sec. 26. Deposit for heat or utility emergency.

New, Section  
3-1025

(a) Emergency assistance is available for deposit payments, if required by a heating or utility vendor to restore or begin service. The deposit shall be paid directly to the vendor who must sign an agreement to return any refund to the Mayor.

(b) The costs of telephone installation, deposit for service, or reconnection, will be paid only if a telephone is a medical necessity. The necessity must be verified by the physician of the applicant. Telephone related costs will be paid directly to the vendor who must sign an agreement to return any refund to the Mayor.

(c) The amount of any deposit or reconnection fee shall be the actual cost up to a maximum of \$200.

Sec. 27. Utility emergency.

New, Section:  
3-1026

(a) Emergency assistance for utilities is available only if all of the following requirements are met:

- (1) The delinquent bill must be that of the applicant;
- (2) The termination of service must be actual or imminent;
- (3) The applicant must apply for all benefits to which the applicant may be entitled under the Low Income Energy Assistance Program and other energy programs, including, but not limited to, the Washington Area Fuel Fund.

(b) Emergency assistance for telephone bills shall be provided if the need for a telephone is verified by the physician of the applicant as a medical necessity. The emergency assistance is limited to costs of the basic instrument and service; no long distance charges shall be paid.

(c) Emergency assistance for utility arrearage is limited to the actual cost, but shall not exceed \$1,000 for gas or oil, or \$500 for electricity or water.

Sec. 28. Necessities of employment.

New, Section:  
3-1027

(a) Emergency assistance is available for the necessities of employment if all of the following conditions are met:

- (1) The applicant is an adult who is a member of, and living with, a family where a child under 18 years of age is present; and

(2) The employer verifies that the need is legitimate and that the necessary items are not provided by the employer.

(b) Emergency assistance is limited to:

(1) Special clothing, including uniforms, not to exceed 2 outfits; or

(2) Tools, which must be the minimum in number and quality necessary to the employment.

(c) The emergency assistance payment shall be limited to actual cost up to a maximum of \$100.

(d) In determining eligibility for emergency assistance to an individual with a child under 18 years of age under this section, only the income and resources of that applicant shall be considered.

Sec. 29. Burial assistance.

New, Section  
3-1028

Emergency assistance is available for burial and cremation services if the liquid assets of the deceased person at the time of death do not exceed \$801 for a deceased adult, \$641 for a deceased child, or \$534 for a deceased infant.

Sec. 30. Multiple emergency assistance requests within a 12-consecutive month period.

New, Section  
3-1029

(a) The applicant requesting emergency assistance for more than one 30-day period during a 12-consecutive-month period must meet the following eligibility criteria in addition to the criteria specified in sections 3 through 28:

(1) The subsequent request for emergency assistance must be for a different category of emergency assistance than the prior request, unless the emergency assistance is requested by an applicant unit whose members include a child under 18 years of age, a person over 65 years of age, or a recipient of general public assistance, or SSI and the emergency assistance is for food, housing, or utilities;

(2) The applicant must have a stable, ongoing plan of management in which income and resources reasonably expected to be available exceed or are equal to the cost of basic necessities; and

(3) The applicant must demonstrate that the emergency is the result of an expenditure for basic necessities.

(b) If emergency assistance is granted under this section, the Mayor shall require, as a condition of receiving emergency assistance, that the applicant attend at least 1 financial counseling session before receiving emergency assistance.

Sec. 31. Waiver by Mayor.

New, Section  
3-1030

(a) Notwithstanding any other provision of this act, the Mayor may, when there is evidence of extraordinary mitigating factors:

(1) Authorize emergency assistance not specifically covered in this act, if the emergency assistance is necessary to avoid or alleviate the emergency of an otherwise eligible applicant;

(2) Recognize certain emergencies that are not specified in this act, but which pose a threat to the health or safety of an otherwise eligible applicant;

(3) Exceed payment maximums as established by this act if the additional emergency assistance is necessary to avoid destitution of an otherwise eligible applicant.

(b) Emergency assistance payments granted under this section may not exceed \$750 and shall not be available through any other District program administered by the Mayor.

(c) The Mayor shall report to the Council annually, and make available to the public, an itemized accounting of any expenditure made pursuant to this section.

Sec. 32. Rules.

New, Section  
3-1031

(a) Within 60 days of the effective date of this act, the Mayor shall, pursuant to title I of the District of Columbia Administrative Procedure Act ("District of Columbia Administrative Procedure Act"), approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), issue proposed rules to implement the provisions of this act. 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 the 45-day review period, the proposed rules shall be deemed approved. The proposed rules shall include provisions regarding an appeals procedure for applicants who have been denied emergency assistance.

(b) Pursuant to subsection (a), the Mayor may issue rules to adjust the dollar limits in this act to reflect annual changes in the cost of living and to adjust the income eligibility standards to reflect changes in the poverty line measurement, as promulgated by the United States Bureau of the Census.

Sec. 33. Appeals.

New, Section  
3-1032

(a) An applicant for emergency assistance who has been formally denied emergency assistance shall be entitled to a review of that denial pursuant to an appeal procedure established by the Mayor, by rule, pursuant to section 32.

(b) Within 10 business days from the date of the notice of denial, the applicant shall be provided a clear, concise

written statement informing the applicant of the reasons for the denial. The written notice shall also inform the applicant of his or her right to appeal the denial and the steps the applicant must take to appeal the denial.


(c) An applicant shall have 30 business days in which to file an appeal.

(d) An applicant shall not be denied emergency assistance if the applicant is attempting to obtain and furnish required information and has informed the Department accordingly. If an applicant has not furnished the required information and has not contacted the Department for 60 days, the application shall be considered abandoned and the applicant shall have no right of appeal.

(e) The appeal procedures provided by this section and any subsequent judicial review sought pursuant to section 2 of the Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1510), shall be the exclusive remedy for violations of this act.

Sec. 34. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED: January 6, 1989





COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Seven

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B7-68

Item on Consent Calendar

X ACTION & DATE: Adopted First Reading, 11-29-88

X VOICE VOTE: Approved, Member Winter voted present

Recorded vote on request

Absent: Rolark

ROLL CALL VOTE - RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X - Indicates Vote      A.B. - Absent      N.V. - Present, not voting

CERTIFICATION RECORD

*Roseann Smith*  
Secretary to the Council

12-29-88  
Date

Item on Consent Calendar

X ACTION & DATE: Adopted Final Reading, 12-13-88

X VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE - RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X - Indicates Vote      A.B. - Absent      N.V. - Present, not voting

CERTIFICATION RECORD

*Roseann Smith*  
Secretary to the Council

12-22-88  
Date

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE - RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X - Indicates Vote      A.B. - Absent      N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date