

COUNCIL OF THE DISTRICT OF COLUMBIA

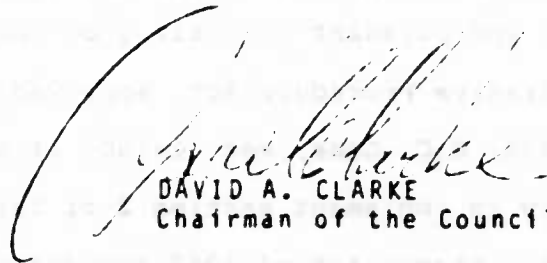
NOTICE

D.C. LAW 6-35

"District of Columbia Public Assistance Act of 1982 Amendments Act of 1985".

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. 6-97 on first and second readings, May 28, 1985, and June 11, 1985, respectively. Following the signature of the Mayor on June 14, 1985, this legislation was assigned Act No. 6-50, published in the July 5, 1985, edition of the D.C. Register, (Vol. 32 page 3778) and transmitted to Congress on June 19, 1985 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 6-35, effective September 10, 1985.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June	19,20,21,24,25,26,27
July	8,9,10,11,12,15,16,17,18,19,22,23,24,25,26,29,30,31
August	1
September	4,5,6,9

D.C. LAW 6 - 35

AN ACT

EFFECTIVE
DATE SEP 10 1985

D.C. ACT 6 - 50

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 14 1985

To amend the District of Columbia Public Assistance Act of 1982 to conform the District's Aid to Families with Dependent Children Program to the requirements of the Deficit Reduction Act of 1984 and federal regulations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "District of Columbia
Public Assistance Act of 1982 Amendments Act of 1985".

Sec. 2. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-201.1 et seq.), is amended as follows:

(a) By adding a new section 205 (D.C. Code, sec. 3-202.5) to read as follows:

"Sec. 205. The Mayor shall, no later than January 1, 1986, and pursuant to title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), issue rules necessary to implement section 2 of the District of Columbia Public Assistance Act of 1982 Amendments Act of 1985.";

(b) Section 505(1) (D.C. Code, sec. 3-205.5(1)) is amended to read as follows:

"(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

New,
D.C. Code,
sec. 3-20
(1986 sup

D.C. Code,
sec. 3-205
(1986 sup

applicant or recipient of AFDC, the term 'earned income' shall include the amount of earned income credit payments actually received.";

(c) Section 510 (D.C. Code, sec. 3-205.10) is amended as follows:

D.C. Code,
sec. 3-205.10
(1986 supp.)

(1) By striking the phrase "exceeds 150% of" in subsection (a) and inserting in its place the phrase "exceeds 185% of"; and

(2) By striking the phrase "is 150% or" in subsection (b) and inserting in its place the phrase "is 185% or";

(d) Section 511 (D.C. Code, sec. 3-205.11) is amended as follows:

D.C. Code,
sec. 3-205.11
(1986 supp.)

(1) By designating the existing text as subsection (a);

(2) By striking the phrase "(\$60 if the individual has worked less than 120 hours in the month)" from paragraph (1);

(3) By adding the word "gross" between the words "total" and "earned" in the first sentence of paragraph (1);

(4) By adding the word "gross" before the phrase "earned income total" in the second sentence of paragraph (1);

(5) By adding the word "gross" before the words "earned income" in paragraph (4);

(6) By amending paragraph (5) to read as follows:

"(5)(A) For individuals found otherwise eligible to receive assistance or who have received

assistance in 1 of the 4 months prior to the month of application, disregard from the individual's earned income \$30 plus one-third of his or her earned income not already disregarded. After the \$30 plus one-third disregard has been applied to an individual's gross earned income for 4 consecutive months (any month for which the unit loses this disregard because of a provision in paragraph (6) of this section shall be considered as 1 of those months), a \$30 disregard shall be applied for a period of 8 additional consecutive calendar months. This 8-month period begins with the month following the fourth consecutive month in which the \$30 plus one-third disregard was applied, and ends with the eighth consecutive month regardless of whether the \$30 disregard is actually applied. Thereafter, the disregards are not available until 12 consecutive months have passed during which the individual is not a recipient of AFDC. The resulting income figure is considered in determining the grant to the assistance unit. The \$30 disregard for the 8-month period applies only to an AFDC recipient who has not already received the \$30 plus one-third disregard for 4 consecutive months prior to October 1, 1984 (unless he or she has been ineligible for AFDC for 12 consecutive months).

"(B) The District of Columbia exercises the option provided by section 402(a)(37) of the Social Security Act, approved July 18, 1984 (98 Stat. 1132; 42 U.S.C. 602(a)(37)), to extend the 9-month period of Medicaid coverage for an additional period of 6 months for assistance

units that would be eligible during this additional period to receive AFDC if the \$30 plus one-third or the \$30 disregards were applied to the assistance unit's earned income.";

(7) By adding the word "gross" before the words "earned income" in paragraph (6);

(8) By adding a new paragraph (7) to read as follows:

"(7) Disregard up to the first \$50 received by the assistance unit that represents a current monthly support obligation or a voluntary support payment from an absent parent or spouse."; and

(9) By adding a new subsection (b) to read as follows:

"(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 not eligible for AFDC, shall be considered available to the assistance unit, except that the disregards in paragraphs (a)(1) and (2) of this section shall apply. The income of a step-parent shall be considered available to the assistance unit as provided in section 522 (D.C. Code, sec. 3-205.22). In the case of a dependent child whose parent or legal guardian is an individual age 18 or under, the income of this individual's own parent(s) or legal guardian(s) living in the same household as the individual and his or her dependent child shall be considered available to the assistance unit to the same extent as the income of a

step-parent under section 522(b)(2). In applying the disregards under section 522(b)(2) to an individual's parent(s) or legal guardian(s), each employed parent or legal guardian shall receive the benefit of the work expense disregard in section 522(b)(2)(A).";

(e) Section 515 (D.C. Code, sec. 3-205.15) is amended to read as follows:

D.C. Code,
sec. 3-205.15
(1986 supp.)

"An assistance unit is composed of each person whose needs, income, and assets are combined in determining eligibility for AFDC and the amount of assistance payable.

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

"(A) The parent(s) of a dependent child;

"(B) All blood-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. 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) Individuals age 18 or older but under 21 regularly attending a school, college, or university, or in the equivalent level of vocational or technical training

designed to fit him or her for gainful employment, as determined by the Mayor, unless that individual is the parent of, and living with, an eligible child, in which case he or she shall be considered a caretaker relative of a separate assistance unit. An individual may be considered a student regularly attending a school or training course:

"(i) If he or she is enrolled in and physically attending a full-time program of study or training leading to a certificate, diploma, or degree;

"(ii) If he or she is enrolled in and physically attending at least half-time a program of study or training leading to a certificate, diploma, or degree and is regularly employed or available for and actively seeking employment; or

"(iii) If he or she is enrolled in and physically attending at least half-time a program of study or training leading to a certificate, diploma, or degree and is precluded from full-time attendance or part-time employment because of a verified physical handicap.

"(2) An application on behalf of a dependent child may include in the AFDC assistance unit each of the following individuals, provided that the individual requests to be included, meets each eligibility requirement, and lives in the same household as the dependent child:

"(A) A step-sibling of the dependent child;

"(B) A caretaker relative other than a parent provided a parent is not in the home. The term "caretaker relative" means:

"(i) Any blood relative, including those of halfblood and first cousins, nephews, or nieces, and persons of preceding generations as denoted by prefixes of grand-, great-, or great-great-;

"(ii) A step-parent or step-sibling;

"(iii) A relative by adoption;

"(iv) Spouses of any persons listed in this subparagraph even after the marriage is terminated by death or divorce;

"(C) The incapacitated spouse of the parent;

"(D) A person necessary for the maintenance of the household.

"(3) Individuals who are ineligible to receive AFDC and who shall be excluded from the AFDC assistance unit during the period of ineligibility include:

"(A) Parent(s) and sibling(s) who receive SSI benefits;

"(B) Parent(s) and sibling(s) who are aliens and are ineligible for AFDC because they have been sponsored by an agency or organization or because of the application of sponsor-to-alien deeming provisions in accordance with 42 U.S.C. 615;

"(C) Parent(s) and sibling(s) who are aliens and are ineligible for AFDC because do not meet the citizenship and alienage requirements of 42 U.S.C. 602(a)(33);

"(D) Parent(s) and sibling(s) who are ineligible for AFDC as the result of the imposition of a

sanction; and

"(E) Parent(s) and sibling(s) who are ineligible for AFDC due to receipt of lump sum income.";

(f) Section 525 (D.C. Code, sec. 3-205.25) is amended to read as follows:

D.C. Code,
sec. 3-205.25
(1986 supp.)

"All factors of AFDC eligibility shall be determined prospectively. The amount of monthly AFDC assistance payments shall be determined using the retrospective budgeting method except that if an AFDC applicant was not on assistance in the month prior to application, the first 2 monthly assistance payments shall be determined prospectively.";

(g) Section 533 (D.C. Code, sec. 3-205.33) is amended by adding a new paragraph (3) to subsection (b) to read as follows:

D.C. Code,
sec. 3-205.33
(1986 supp.)

"(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.";

(h) Section 550 (D.C. Code, sec. 3-205.50) is amended by adding a new subsection (d) to read as follows:

D.C. Code,
sec. 3-205.50
(1986 supp.)

"(d) The Mayor shall pay a special needs allowance of \$160 per month for each parent or legal guardian included within an AFDC assistance unit who is under 21 years of age, living in the same household with his or her own parent or legal guardian, and regularly attending a school, college or university or in the equivalent level of vocational or technical training designed to fit him or her for gainful employment, as determined by the Mayor.";

(i) Section 554 (D.C. Code, sec. 3-205.54) is amended as follows:

D.C. Code,
sec. 3-205.54
(1986 supp.)

(1) By adding the following language between the words "unit" and "shall" in subsection (a) of this section:

"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";

(2) By striking the words "and must be mailed to the recipient no later than 15 days" in the second sentence of subsection (c) and inserting in their place the words "must be sent to the recipient, and must be postmarked no later than 15 days";

(3) By striking the words "The notice must be mailed to the recipient no later than 15 days" in the third sentence of subsection (d) and inserting in their place the words "The notice must be sent to the recipient and must be postmarked no later than 15 days";

(4) By adding the words "federally mandated" between the words "exempt" and "categories" in subsection (f); and

(5) By adding the following language as a second sentence to subsection (f):

"The Mayor may require monthly reporting from additional categories of recipients that meet error-prone criteria, as defined by the Mayor.";

(j) Section 555 (D.C. Code, sec. 3-205.55) is amended to read as follows:

D.C. Code,
sec. 3-205.55
(1986 supp.)

"Sec. 555. Timely and adequate notice.

"(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.

"(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 AFDC 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.";

(k) Section 557 (D.C. Code, sec. 3-205.57) is amended by striking the phrase "after 15 days" and inserting in its place the phrase "after 15 days from the date of postmark of the written notice";

D.C. Code, sec. 3-205.57 (1986 supp.)

(l) Section 559 (D.C. Code, sec. 3-205.59) is amended to read as follows:

D.C. Code, sec. 3-205.59 (1986 supp.)

"Sec. 559. Effect of pending hearing. "

"(a) If the recipient requests a hearing within 15 days from the date of postmark of the written notice, 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) A request by a recipient for a hearing made

after the date upon which the action would become effective but within 10 days following this date shall result in reinstatement of assistance. In these cases, 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.

"(c) In any case in which action was taken without timely notice 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

after the date upon which the action would become effective but within the time limits of section 1009 (D.C. Code, sec. 3-210.9) 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.";

(m) Section 560 (D.C. Code, sec. 3-205.60) is repealed;

D.C. Code, sec. 3-205.60 repealed (1986 supp.)

(n) Section 801(a) (D.C. Code, sec. 3-208.1(a)) is amended to read as follows:

D.C. Code, sec. 3-208.1 (1986 supp.)

"(a) Upon completion of the investigation pursuant to Title IX, 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 this public assistance shall begin, and shall furnish public assistance with reasonable promptness to all eligible persons. For the GPA program, that date shall not be prior to the first day of the calendar month in which the determination is made except that as a result of reconsideration or review of a case, and in order to correct previous erroneous administrative action, such as undue delay or improper denial of assistance, an initial payment of GPA may be made for a period beginning prior to the first day of the calendar month in which the eligibility determination is made. For the AFDC program, 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. For the purpose of this computation, all months shall be considered to have 30 days.";

(o) Section 1009 (D.C. Code, sec. 3-210.9) is amended as follows: D.C. Code,
sec. 3-210.9
(1986 supp.)

(1) By striking the phrase "15 days following notification" and inserting in its place the phrase "90 days following the postmark of the notification"; and

(2) By striking the phrase "15 days following receipt of notice" and inserting in its place the phrase "90 days following the postmark of notice";

(p) By adding a new section 1106 (D.C. Code, sec. 3-211.6) to read as follows: New,
D.C. Code,
sec. 3-211.6
(1986 supp.)
Note, D.C. Code,
sec. 3-205.10

"Sec. 1106. The Mayor shall promptly pay to the AFDC assistance unit the sum disregarded under section 511(a)(7).";

(q) Section 1601 (D.C. Code, sec. 3-216.1) is amended as follows: D.C. Code,
sec. 3-216.1
(1986 supp.)

(1) By striking the words "The Council" in subsection (a) and inserting in their place the words "The Mayor";

(2) By striking the second sentence in subsection (a); and

(3) By adding the following to the end of subsection (a):

"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.";

and

(r) Section 1705 (D.C. Code, sec. 3-217.5) is amended as follows: D.C. Code,
sec. 3-217.5
(1986 supp.)

(1) By designating the existing text as subsection (a);

(2) By striking the third sentence in paragraph (2) of subsection (a); and

(3) By adding a new subsection (b) to read as follows:

"(b) The following shall not be considered resources for the purposes of determining the resources of applicants or recipients of AFDC under paragraph (a)(2) of this section:

"(1) The value of a home which is the usual residence of the assistance unit.

"(2) The equity value of 1 car (up to a total of \$1,500).

"(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,

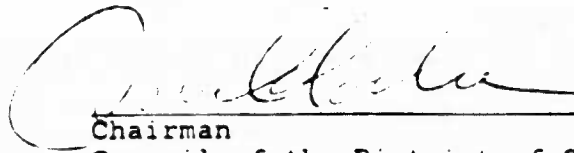
that the family unit is making a good faith effort to sell if the family agrees to sign an agreement to dispose of the property and to use the proceeds of the sale to repay any AFDC benefits it would not have received if the property had been sold at the beginning of the period. The family will not have 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.

"(6) Basic maintenance items essential to day-to-day living, as defined by the Mayor."

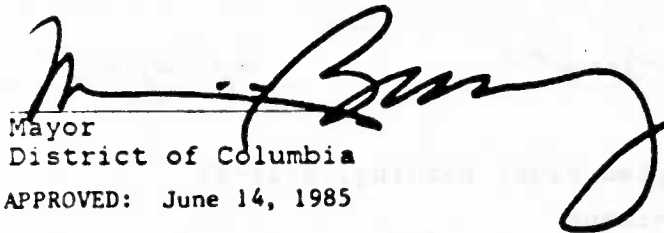
Sec. 3. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act,

approved December 24, 1973 (87 Stat. 813; D.C. Code, sec.

1-233(c)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: June 14, 1985



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Six - First Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B6-97

Item on Consent Calendar

X ACTION & DATE: Adopted First Reading, 5-28-85

X VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE - RESULT

COUNCIL MEMBER	AYE	NAY	NV	AB	COUNCIL MEMBER	AYE	NAY	NV	AB	COUNCIL MEMBER	AYE	NAY	NV	AB
CHMN CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD

Russell Smith
 Secretary to the Council

6/13/85
 Date

Item on Consent Calendar

X ACTION & DATE: Adopted Final Reading, 6-11-85

X VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE - RESULT

COUNCIL MEMBER	AYE	NAY	NV	AB	COUNCIL MEMBER	AYE	NAY	NV	AB	COUNCIL MEMBER	AYE	NAY	NV	AB
CHMN CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD

Russell Smith
 Secretary to the Council

6/13/85
 Date

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent

ROLL CALL VOTE - RESULT

COUNCIL MEMBER	AYE	NAY	NV	AB	COUNCIL MEMBER	AYE	NAY	NV	AB	COUNCIL MEMBER	AYE	NAY	NV	AB
CHMN CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD

Secretary to the Council

Date