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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an temporary basis, the Homeless Services Reform Act of 2005 to reform the Emergency Rental Assistance Program to aid tenants in their recovery from the public health emergency, and to reduce administrative barriers to Emergency Rental Assistance Program payments for tenants in need.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Emergency Rental Assistance Reform Temporary Amendment Act of 2022”.

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

(a) The table of contents is amended by adding a new section designation to read as follows:

“Sec. 8f. Emergency rental assistance.”.

(b) A new section 8f is added to read as follows:

“Sec. 8f. Emergency rental assistance.

34           “(a)(1) To qualify for emergency rental assistance funds made available pursuant to this  
35 section (“Emergency Rental Assistance Funds”), an applicant unit shall be required to meet only  
36 the following eligibility criteria:

37                           “(A) Be living in the District of Columbia at the time of application;

38                           “(B) Be presented with an emergency situation that he or she has no other  
39 available resources to resolve, while still meeting other basic needs; and

40                           “(C) Have a net income, combined with the net income of any individual  
41 with whom he or she lives, that in the 30 days immediately preceding the date of application  
42 does not exceed 40% of the Area Median Income for the District of Columbia for the specified  
43 household size.

44           “(2) To qualify for Emergency Rental Assistance Funds, an applicant unit may be  
45 required to document or otherwise establish the following, but no other documentation or proof  
46 shall be required:

47                           “(A) That he or she is living in the District of Columbia at the time of  
48 application;

49                           “(B) The applicant unit’s household income and assets;

50                           “(C) The number of bedrooms in the unit occupied by the applicant unit;

51                           “(D) The number of people in the applicant unit’s household; and

52                           “(E) Facts and circumstances surrounding rental arrearages, security or  
53 damage deposit, or first month’s rent, including that the applicant unit is responsible for  
54 payment.

55           “(3) An unsworn declaration made under penalty of perjury shall be considered  
56 sufficient documentation or proof for the purposes of paragraph (2) of this subsection.

57                   “(4) To qualify for Emergency Rental Assistance Funds, an applicant unit shall  
58 not be required to provide documentation or proof that the members of his or her household are  
59 related by blood, legal adoption, marriage or domestic partnership, or legal guardianship.

60                   “(5) Case management or other services shall not be required as a condition to  
61 qualify for Emergency Rental Assistance Funds.

62                   “(b)(1) Emergency Rental Assistance Funds shall not be paid to the applicant unit but  
63 instead directly to a vendor providing a service to the applicant unit.

64                   “(2) Emergency Rental Assistance Funds may be utilized to pay rent arrearage,  
65 late fees, and associated court fees if eviction is imminent or the applicant unit has a current rent  
66 arrearage at least 30 days past due.

67                   “(3)(A) The total payment of Emergency Rental Assistance Funds on behalf of an  
68 applicant unit for rent arrearages, late fees, and associated court fees shall not exceed an amount  
69 equal to the applicable fair market rent for the Washington-Arlington-Alexandria Metropolitan  
70 area based on unit size and zip code, as established by the U.S. Department of Housing and  
71 Urban Development, multiplied by 5. This cap may be waived if one or more of the following  
72 factors are determined to exist:

73                                   “(i) The applicant unit lives with 6 or more individuals and  
74 reasonable alternatives to the existing housing arrangement are not available;

75                                   “(ii) An individual living with the applicant unit has a physical or  
76 mental disability or an extended illness such that loss of existing housing would pose a serious  
77 threat to the health or safety of the family member; or

78                                   “(iii) The applicant unit is applying for Emergency Rental  
79 Assistance Funds during a public health emergency declared pursuant to section 5a of the

80 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-  
81 194; D.C. Official Code § 7-2304.01) (“public health emergency”), or within 180 days after its  
82 conclusion.

83 “(B) During a public health emergency and for 180 days after its  
84 conclusion, an arrearage paid with Emergency Rental Assistance Funds may be for as many  
85 months of rent as the total number of months that the public health emergency has been in effect  
86 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
87 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

88 “(4) When a payment of Emergency Rental Assistance Funds up to the amount  
89 authorized by this section would not substantially alleviate an emergency situation during the 30-  
90 day period immediately following the authorization of payment, such payment shall not be made  
91 unless the applicant unit demonstrates that a landlord will:

92 “(A) Accept partial payment in full satisfaction of the outstanding rent  
93 due; or

94 “(B) Enter into a longer-term repayment plan for the payment of the  
95 remaining balance of unpaid rent.

96 “(5)(A) The use of Emergency Rental Assistance Funds to cover a security or  
97 damage deposit shall only be authorized if the landlord does not waive the deposit and one of the  
98 following criteria is met:

99 “(i) The applicant unit is or will become homeless if assistance is  
100 not provided; or

101                                   “(ii) The purpose of the assistance is to reunite a child less than 18  
102 years of age with his or her family or to prevent separation of a child less than 18 years of age  
103 from his or her family.

104                                   “(B) The maximum payment for a security or damage deposit shall be the  
105 actual amount of the deposit, which may not exceed more than the cost of one month’s  
106 unsubsidized rent, as specified by the landlord.

107                                   “(6)(A) Assistance may be authorized for first month’s rent if:

108                                   “(i) The applicant unit is eligible for a security deposit payment as  
109 specified in paragraph (5)(A) of this subsection;

110                                   “(ii) The first month’s rent must be paid in conjunction with the  
111 security deposit in order for the applicant unit to assume tenancy; and

112                                   “(iii) The applicant unit has no other means of paying for the first  
113 month’s rent at the time it is required.

114                                   “(B) The maximum emergency assistance payment for first month’s rent  
115 under this paragraph shall not exceed the actual amount of one month’s unsubsidized rent, as  
116 specified by the landlord.

117                                   “(c) An applicant unit that has met the eligibility standards set forth in this section shall  
118 qualify for Emergency Rental Assistance Funds; except, that the agency may provide funding on  
119 a first come, first served basis and subject to availability of funds.

120                                   “(d) To the extent not explicitly superseded by the provisions of this act, the Emergency  
121 Rental Assistance Program rules (29 DCMR § 7500 et seq.) shall remain in effect until  
122 superseded by rules promulgated by the Mayor pursuant to the authority of this act. Upon the  
123 effective date of rules promulgated pursuant to this act, each superseded portion of the

124 Emergency Rental Assistance Program rules shall be deemed repealed.

125 “(e) For purposes of this section, the term:

126 “(1) “Applicant unit” means an individual who is applying for Emergency Rental  
127 Assistance Funds pursuant to this section for his or her own needs or the needs of those with  
128 whom he or she lives.

129 “(2) “Basic needs” includes groceries, childcare, utilities, and car payments.

130 “(3) “Emergency situation” means a situation in which immediate action is  
131 necessary to avoid homelessness or eviction, to re-establish a home, or otherwise to prevent  
132 displacement from a home.

133 “(4) “Living in the District of Columbia” means that an individual is maintaining  
134 a home in the District as his or her principal residence or, if he or she is homeless, that he or she  
135 is physically present in the District and not a resident of another state.”.

136 Sec. 3. Fiscal impact statement.

137 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
138 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
139 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

140 Sec. 4. Effective date.

141 (a) This act shall take effect following approval by the Mayor (or in the event of veto by  
142 the Mayor, action by the Council to override the veto), a 30-day period of congressional review  
143 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
144 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
145 Columbia Register.

146 (b) This act shall expire after 225 days of its having taken effect.