

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the District of Columbia Public Assistance Act of 2002 to exclude from the definition of earned income periodic payments of the earned income tax credit and other refundable income tax credits targeted to low-income households and from the definition of income direct cash payments received from unrestricted cash assistance program or pilot administered by a nonprofit organization; to amend, on an emergency basis, the Food Stamp Expansion Act of 2009 to exclude from the definition of income periodic payments of the earned income tax credit and other refundable income tax credits or direct cash assistance payments received from unrestricted cash assistance programs or pilots; and to amend, on an emergency basis, Title 47 of the D.C. Official Code to exclude payments of the District earned income tax credit and other refundable income tax credits targeted to low-income households from the determination of income for purposes of qualifying for public assistance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Earned Income Tax Credit Expansion Clarification Emergency Amendment Act of 2022”.

Sec. 2. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.01. *et seq.*), is amended as follows:

(a) Section 505 (D.C. Official Code § 4-205.05), is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “credit payments actually received.” and inserting the phrase “credit or other refundable income tax credit payments

39 actually received, including a periodic payment made pursuant to D.C. Official Code § 47-
40 1806.04(f)(3).” in its place.

41 (2) Paragraph (4) is amended by striking the phrase “(Enrolled version of Bill 14-
42 183); or any payment” and inserting the phrase “(Enrolled version of Bill 14-183); or direct cash
43 assistance payments received from District-based cash assistance programs or pilot programs
44 that provide unrestricted cash assistance directly to individuals or households and that are
45 administered by a nonprofit organization; or any payment” in its place.

46 (b) Section 511(a) (D.C. Official Code § 4-205.11(a)) is amended as follows:

47 (1) The lead-in language is amended by striking the phrase “who are applying for
48 or receiving TANF:” and inserting the phrase “who are applying for or receiving TANF, count
49 only payments that are income and then:” in its place.

50 (2) Paragraph (5A) is repealed.

51 (c) Section 533(b) (D.C. Official Code § 4-205.33(b)) is amended by adding a new
52 paragraph (4) to read as follows:

53 “(4) For the purposes of this subsection the term “lump-sum payment or
54 settlement” shall not include any federal, state, or local earned income tax credit or other
55 refundable income tax credit payments or direct cash assistance payments received from District-
56 based cash assistance programs or pilot programs that provide unrestricted cash assistance
57 directly to individuals or households and that are administered by a nonprofit organization.”.

58 (d) Section 537(a) (D.C. Code § 4-205.37(a)) is amended by striking the phrase “take into
59 consideration all income and resources” and inserting the phrase “take into consideration all
60 payments that are income and resources” in its place.

61 (e) Section 539 (D.C. Official Code § 4-205.39) is repealed.

62 Sec. 3. Section 5082(b) of the Food Stamp Expansion Act of 2009, effective March 3,
63 2010 (D.C. Law 18-111; D.C. Official Code § 4-261.02(b)) is amended by striking the phrase
64 “with a gross income at or below 200% of the federal poverty level” and inserting the phrase
65 “with an income, as that term is defined in section 505(4) of the District of Columbia Public
66 Assistance Act, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.05(4)), at
67 or below 200% of the federal poverty level” in its place.

68 Sec. 4. Section 47-1806.04 of the District of Columbia Official Code is amended as
69 follows:

70 (a) Subsection (f)(3) is amended by adding a new subparagraph (C) to read as follows:

71 “(C) A lump sum payment or a periodic payment made pursuant to this
72 paragraph shall not be considered income for the purpose of determining eligibility or benefit
73 amount for public assistance.”.

74 (b) Subsection (g) is amended by adding a new paragraph (4) to read as follows:

75 “(4) A lump sum payment or a periodic payment made pursuant to this subsection
76 shall not be considered income for the purposes of determining eligibility for public assistance.”.

77 Sec. 5. Applicability.

78 This act shall apply on October 1, 2022.

79 Sec. 6. Fiscal impact statement.

80 The Council adopts the fiscal impact statement for the Earned Income Tax Credit
81 Expansion Clarification Amendment Act of 2022, passed on 1st reading on July 12, 2022
82 (Engrossed version of Bill 24-616), as the fiscal impact statement required by section 4a of the
83 General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C.
84 Official Code § 1-301.47a).

85 Sec. 7. Effective date.

86 This act shall take effect following approval by the Mayor (or in the event of veto by the
87 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
88 90 days, as provided for emergency acts of the Council of the District of Columbia in section
89 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
90 D.C. Official Code § 1-204.12(a)).