

DRAFT

Chairman Phil Mendelson

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Homeless Services Reform Act of 2005 by adding definitions for the terms “District of Columbia General Family Shelter Replacement Units” and “Interim Eligibility Placement,” to authorize the Mayor or the Mayor’s designee to place families, who do not have another safe housing alternative, in a temporary interim eligibility placement while it determines eligibility for shelter and assesses what supportive services are needed to assist the family in obtaining sustainable permanent housing, to authorize the Mayor to provide shelter to families in private rooms that are developed for the purpose of closing the District of Columbia General Family Shelter and replacing its units, to add a special expedited appeals process for families who are denied shelter following an interim eligibility placement, and to add that clients have a right to continuation of an interim eligibility placement pending the outcome of an appeal of a denial of shelter following an interim eligibility placement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Advancing Year Round Access to Shelter Policy and Prevention of Homelessness Emergency Amendment Act of 2015”.

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

(1) Add a new subsection (13A) to read as follows:

“(13A) “District of Columbia General Family Shelter replacement units” means those private rooms developed for the purpose of closing the District of Columbia General

40 Family Shelter with funds appropriated in the Fiscal Year 2016 Budget Request Act
41 of 2015, signed by the Mayor on July 9, 2015 (D.C. Act 21-99; 62 DCR 9658), as
42 amended, and all future funds appropriated for the purposes of closing the District
43 of Columbia General Family Shelter”.

44 (2) Designate the existing subsection (25A) as subsection (25B).

45 (3) Add a new subsection (25A) to read as follows:

46 “(25A) “Interim eligibility placement” means a 3 day eligibility placement for
47 families, that may be extended up to 3 times, for the purpose of conducting a more in depth
48 assessment to facilitate an eligibility determination for shelter and provide families with
49 appropriate services.”.

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

51 “(d) (1) When the Mayor places families in shelter, the Mayor shall place them in
52 apartment-style shelters or District of Columbia General Family Shelter (DCG)
53 replacement units.

54 (2) If apartment-style shelters or DCG replacement units are not available,
55 the Mayor is authorized to place families in private rooms.

56 (3) For the purpose of closing DCG, and replacing its units, the Mayor:

57 (A) is authorized to use private rooms to replace the DGC units; and

58 (B) shall maintain within the District’s inventory apartment-style
59 shelters.

60 (4) If eligibility for a family seeking shelter cannot be determined within the
61 business day in which the family applied for shelter, the Mayor may provide the family
62 with an interim eligibility placement.

63 (a) If a family determined ineligible for shelter is participating in prevention or
64 diversion services, and has a change in circumstances that their provider can attest would

65 make them eligible for shelter, the Mayor may find the family eligible for shelter without
66 requiring a new shelter application.

67 (b) Once an eligibility determination is made for an application for shelter following
68 an interim eligibility placement, the interim eligibility placement shall be concluded.

69 (c) Families who are denied an application for shelter following an interim eligibility
70 placement may request an Administrative Review pursuant to section ____ (D.C. Official
71 Code §4-754.42(b-1).

72 (5) This subsection shall be applicable to all forms of shelter provided to
73 families.”.

74 (c) Section 9(a) (D.C. Official Code § 4-754.11(a)) is amended as follows:

75 (1) Paragraph (18) is amended by striking the phrase “; and” and inserting
76 “;” in its place.

77 (2) Designate the existing paragraph 19 as paragraph 20.

78 (3) Add new paragraph 19 to read as follows:

79 “(19) Continuation of a family’s interim eligibility placement, pending the
80 outcome of an appeal requested pursuant to section ____ (D. C. Official Code § 4-754.42(b-
81 1)), if the family requests an appeal within 48 hours of receipt of written notice of a denial
82 of an application for shelter following an interim eligibility placement; and”.

83 (d) Section 26(a) (D.C. Official Code § 4-754.41(a)) is amended as follows:

84 (1) Designating the existing subsection (a) as (a)(1).

85 (2) Adding a new subsection (a)(2) to read as follows:

86 (a)(2) Except as required by subsection (a)(1), the Office of Administrative Hearings
87 shall grant a fair hearing to any client or client representative who wishes to appeal an
88 administrative review decision pursuant to section 26(b)(1) (D.C. Official Code §4-
89 754.41(b)(1) and section ____ (D.C. Official Code § 4-754.42(b-2)), and who requests such a

90 hearing, orally or in writing, within 15 days of the Administrative Review Officer issuing
91 the administrative review decision pursuant to section ____ (D.C. Official Code § 4-
92 754.42(b-1)). A request for a fair hearing shall be made to the client’s provider, the
93 Department, the Mayor, or the Mayor’s designee. If the request is made orally, the
94 individual receiving the request shall promptly acknowledge the request, reduce it to
95 writing, and file the request for a fair hearing with the Office of Administrative Hearings.”

96 (e) Section 26(f) (D.C. Official Code §4-754.41(f)) is amended as follows:

97 (1) Subsection (f)(2) is amended by replacing the phrase “; and” with “;”.

98 (2) Subsection (f)(3) is amended by striking the phrase, “In accordance with
99 the following additional requirements,” and inserting “Except as required by subsection
100 (f)(4), in accordance with the following additional requirements.”.

101 (3) Subsection (f)(3)(C) is amended by striking “.” and inserting “; and”.

102 (3) A new subsection (f)(4) is added to read as follows:

103 “(f) (4) For fair hearings filed with the Office of Administrative Hearings pursuant to
104 subsection (a)(2) , the following additional requirements shall apply:

105 (A) The hearing shall be held after the completion of an administrative
106 review conducted in accordance with section ____ (D.C. Official Code § 4-754.42(b-1)), and
107 shall be conducted within an expedited timeframe, which shall not exceed 4 business days
108 following the initial request for a fair hearing;

109 (B) If a party fails to appear, the Administrative Law Judge
110 designated to conduct the hearing may enter a default decision in favor of the party
111 present. The default may be set aside only for good cause shown, and upon equitable terms
112 and conditions; and

113 (C) The Administrative Law Judge shall issue a final decision within
114 48 hours, not including weekends or holidays, of the completion of the hearing”.

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

116 (1) Subsection (a) is amended to read as follows:

117 “(a) The purpose of the administrative review shall be to enable the Department to
118 ascertain the legal validity of the decision that is the subject of the fair hearing request
119 pursuant to section 26 (D.C. Official Code § 4-754.41) or the denial of a family’s application
120 for shelter following an interim eligibility placement pursuant to section 7(d)(4)(C) (§ 4-
121 753.01(d)(4)(C)), and, if possible, achieve an informal resolution of the appeal.”

122 (2) Subsection (b) is amended by striking the term, “Any,” and inserting the
123 phrase, “Except as required by (b-1), any” in its place.

124 (3) New subsections (b-1), (b-2), and (b-3) are added to read as follows:

125 “(b-1) An administrative review of a denial of application for shelter following an
126 interim eligibility placement, conducted pursuant to subsection (a) of this section, shall be
127 completed and a decision rendered within 4 business days of receipt of the administrative
128 review request, except upon a showing of good cause as to why such deadline cannot be met.
129 If good cause is shown, a decision shall be rendered as soon as possible thereafter. If an
130 extension of time for review is required for good cause, written notice of the extension shall
131 be provided to the client or client representative prior to the commencement of the
132 extension.”

133 “(b-2) In accordance with section 9(a)(19) (D.C. Official Code § 4-754.11(a)(19)), any
134 family who requests an administrative review of a denial of application for shelter following
135 an interim eligibility placement within 48 hours of the denial of shelter shall continue to
136 receive an interim eligibility placement pending the outcome of the administrative review
137 proceeding.”

138 “(b-3) If a family who was denied an application for shelter following an interim
139 eligibility placement is not satisfied with the administrative review decision, the family

140 may within 15 days, request a fair hearing, to review the administrative review decision
141 pursuant to section 26(b)(1) (D.C. Official Code § 4-754.41(b)(1)).”.

142 (4) Subsection (d)(2)(D)(v) is amended to read as follows:

143 “(v) A statement that if the client is not satisfied with the administrative review
144 decision, a fair hearing pursuant to § 4-754.41 shall be held, or if the administrative review
145 was conducted pursuant to § 4-754.42(b-1), the client may, within 15 days, request a fair
146 hearing pursuant to section 26(b)(1) (D.C. Official Code § 4-754.41(b)(1)).”.

147 Sec. 4. Fiscal impact statement.

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

151 Sec. 5. Effective date.

152 This act shall take effect following approval by the Mayor (or in the event of veto by
153 the Mayor, action by the Council to override the veto), and shall remain in effect for no
154 longer than 90 days, as provided for emergency acts of the Council of the District of
155 Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December
156 24, 1973 (87 Stat. 788; D.C. Official Code 1-204.12(a)).