

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the District of Columbia Public Assistance Act of 1982 to extend the opt out from denying Temporary Assistance for Needy Families (TANF) to certain drug felons to Supplemental Nutrition Assistance Program (SNAP) benefits and other locally funded non-TANF cash assistance benefits.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Access to Public Benefits Congressional Review Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need for the District of Columbia (“District”) to enact legislation to extend its current opt out from a federal law requiring the District to deny eligibility for Supplemental Nutrition Assistance Program (“SNAP”) and Temporary Assistance for Needy Families (“TANF”) benefits to individuals who have been convicted of any offense which is classified as a felony by the law of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance (“drug felons”).

(b) 21 U.S. Code § 862a requires the District to deny eligibility for Supplemental Nutrition Assistance Program (“SNAP”) and Temporary Assistance for Needy Families

1 (“TANF”) benefits to individuals who are drug felons. Section (d)(1)(A) of the Statute
2 permits States, including the District, to opt out of the federal law prohibition.

3 (c) The District exercised the section (d)(1)(A) opt out on granting benefits to
4 drug felons for applicants and recipients of TANF by enacting section 571 (D.C. Official
5 Code § 4-205.71) of the District of Columbia Public Assistance Act of 1982 after August
6 22, 1996. The emergency legislation will allow the District to extend the opt out to
7 encompass individuals who are applicants for or recipients of SNAP.

8 (d) This emergency legislation is now necessary in order to grant the District
9 Department of Human Services legal authority to provide SNAP benefits to individuals
10 who are otherwise eligible for SNAP, but who are drug felons.

11 (e) Emergency legislation is necessary to prevent a gap in the law as the:

12 (1) The previously approved “Access to Public Benefits Emergency
13 Amendment Act of 2018,” effective October 23, 2018, expired on January 21, 2019;

14 (2) The corresponding permanent legislation, B23-097, the “Access to
15 Public Benefits Amendment Act of 2019”, is currently under Mayoral Review with no
16 projected date to become law; and

17 (3) The corresponding temporary legislation, B22-939, “Access to Public
18 Benefits Temporary Amendment Act of 2018”, effective February 22, 2019 will expire
19 on October 5, 2019.

20 (f) This emergency is necessary in order to expand the District’s opt out to
21 increase the availability of critical benefits the District’s residents who have struggled
22 with drugs. Without this expanded opt out, the District will not be able to assist

1 otherwise qualified needy District residents with accessing nutritious foods solely
2 because the individual is a drug felon without risking adverse action by federal auditors.

3 Sec. 3. The Council of the District of Columbia determines that the
4 circumstances enumerated in section 2 constitute emergency circumstances making it
5 necessary that the Access to Public Benefits Congressional Review Emergency
6 Amendment Act of 2019 be adopted after a single reading.

7 Sec. 4. This resolution shall take effect immediately.