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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency 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 Emergency Amendment Act of 2021”.

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 This act shall take effect following approval by the Mayor (or in the event of veto by the
142 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
143 90 days, as provided for emergency acts of the Council of the District of Columbia in section
144 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
145 D.C. Official Code § 1-204.12(a)).

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