

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To authorize, on an emergency basis, a program to reduce and remove obstacles that low-income households confront as they pursue higher income through employment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Career Mobility Action Plan Program Establishment Emergency Act of 2022”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Area median income” means the area median income of the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the U.S. Department of Housing and Urban Development.

(2) “Federal poverty guidelines” mean the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of section 673 of the Community Service Block Grant Act, approved October 27, 1998 (112 Stat. 27229; 42 U.S.C. § 9902(2)).

(3) “Low-income household” means a household that earns:

“(A) At or below 185% of federal poverty guidelines for the size of its household; or

“(B) At or below 40% of the area median income for its size of household.

28 (4) “Program” means the program authorized by this act.

29 (5) “Program participants” means households enrolled in the program authorized
30 by this act.

31 Sec. 3. Career mobility program authorization.

32 (a) The Mayor may establish and administer a program to reduce and remove obstacles
33 that low-income households confront as they pursue higher incomes through employment,
34 including a decrease in public benefits that may result from an increase in the household’s
35 income.

36 (b) The Mayor may provide support services and supports to program participants to help
37 achieve the goals of the program. The support services and supports provided by the Mayor may
38 include rental assistance, income support, career navigation and advancement services, coaching,
39 case management, and other support services and resources. The types and levels of support
40 services and resources provided through the program may be determined based on household
41 income, household composition, and other criteria established by the Mayor.

42 (c) The Mayor may issue grants to implement this act.

43 Sec. 4. Eligibility, enrollment, and program requirements.

44 (a) To be eligible to participate in the program authorized by this act, a household must:

45 (1) Reside in the District of Columbia;

46 (2) Be a low-income household at the time that the household’s initial eligibility
47 for participation in the program is determined;

48 (3) Contain at least one individual who is currently participating in a housing-
49 assistance program administered by the District or federal government, or such specific District

50 or federal housing assistance programs as may be designated by the Mayor by rule, at the time
51 that the household's initial eligibility for participation in the program is determined; and

52 (4) Meet any other initial eligibility criteria established by the Mayor by rule.

53 (b) The Mayor may establish preference criteria, by rule, or conduct a randomized lottery
54 to select eligible households to participate in the program and to aid in the evaluation of the
55 program.

56 (c) The program authorized by this act shall not be an entitlement program. The program
57 shall be available only to a limited number of participants, based on funding availability and
58 capacity.

59 (d)(1) A program participant shall remain eligible to continue to participate in the
60 program for no more than 5 years after enrollment regardless of income.

61 (2) To remain eligible to participate in the program, program participants shall
62 maintain residency in the District of Columbia and meet such other requirements and criteria as
63 the Mayor may establish, such as requirements to engage in career and support services provided
64 through the program.

65 (3) A program participant shall cease to be eligible to participate in the program
66 if, during the participant's enrollment in the program, any member of that participant's
67 household is or becomes enrolled in another District or federal government-funded rental
68 assistance program.

69 Sec. 5. Notice of changes to services or supports.

70 The Mayor shall provide written notice to a program participant before terminating,
71 reducing, or changing their program services or supports . The notice shall advise the program
72 participant of the action the Mayor plans to take, the reason for the action, the date the action will

73 be taken, and the program participant's right to request a hearing if such a right is provided by
74 section 6.

75 Sec. 6. Hearings.

76 (a) A program participant or their representative may request a hearing to appeal a
77 decision by the Mayor to:

78 (1) Exit the participant's household from the program and terminate program
79 services after less than 5 years of participation; or

80 (2) Reduce the program services or supports provided to the participant based on
81 the participant's failure to comply with the program requirements or based on income, household
82 composition, or another criterion established by the Mayor.

83 (b) If a program participant requests a hearing, the Department shall give the participant
84 reasonable notice of the time and location where the hearing will take place.

85 (c) Hearings held under this section shall follow the following hearing procedures set
86 forth in sections 1003, 1005, 1007, 1008, 1010, 1011, 1013, 1014, 1015, and 1017 of the District
87 of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C.
88 Official Code §§ 4-210.03, 4-210.05, 4-210.07, 4-210.08, 4-210.10, 4-210.11, 4-210.13, 4-
89 210.14, 4-210.15, and 4-210.17):

90 (d) A request for a hearing must be made by the following deadlines:

91 (1) If the adverse action described in subsection (a) was preceded by notice to the
92 participant:

93 (A) If the notice was sent by postal mail, within 30 days after the postmark
94 of the notice;

95 (B) If the notice was sent by email, within 30 days after the date of the
96 email; or

97 (C) If the notice was sent by both postal mail and email, by the earlier of
98 the deadlines set forth in subparagraphs (A) and (B) of this paragraph; or

99 (2) If the adverse action described in subsection (a) was taken without prior notice,
100 within 10 days after the adverse action was taken.

101 (e) A hearing shall be held after the administrative review, if the administrative review
102 does not lead to the withdrawal of the hearing request.

103 (f) A program participant that timely requests a hearing shall have the right to the
104 continuation of program services pending a final decision from the hearing.

105 (g) If a program participant prevails in a hearing, the Mayor shall provide the following
106 remedies:

107 (1) If the Mayor determines that the basis for termination or reduction of program
108 services or supports was correct, but there was a defect in providing written notice to the
109 program participant, the Mayor shall remedy the error by issuing a corrected notice.

110 (2) If the Mayor determines that the basis for termination of program participation
111 was incorrect:

112 (A) The Mayor shall remedy the error by:

113 (i) Re-enrolling the program participant in the program, if the
114 program's participant's participation in the program was actually terminated; and

115 (ii) Providing program services and supports retroactive to the date
116 of the incorrect termination or 3 months before the date the hearing request was filed, whichever
117 is later, to the extent that such services and supports can be provided retroactively; and

118 (B) The time limit on program participation set forth in section 4(d)(1)
119 shall be considered tolled during any period of time during which program participation was
120 incorrectly terminated.

121 (3) If the Mayor determines that the basis for a reduction of program services or
122 supports was incorrect, the Mayor shall remedy the error by:

123 (A) Returning program services and supports to the level they were at on
124 the date of the incorrect reduction; and

125 (B) Providing programs services and supports retroactive to the date of the
126 incorrect reduction or 3 months before the date the hearing request was filed, whichever is later,
127 to the extent that such services and supports can be provided retroactively.

128 Sec. 7. Confidentiality.

129 (a) The Mayor and the Mayor's designees and agents shall treat information collected
130 from or about program participants and applicants as confidential, by not using or disclosing that
131 information except as provided in subsection (b) of this section and section 6(c).

132 (b) The Mayor and the Mayor's designees and agents may use and disclose to other
133 District agencies, contractors, grantees, auditors, and program evaluators identifying information
134 and all information in program records concerning all current or former program applicants and
135 participants, without prior consent from any individual to whom the information pertains, for the
136 following purposes; provided, that the use or disclosure is not specifically prohibited under
137 District or federal law:

138 (1) To establish the individual's eligibility for, or determine their amount and type
139 of, program services, benefits, supports, or assistance, or to establish or determine the same for a
140 household to which the individual belongs;

141 (2) To coordinate, for the individual, their program services, benefits, supports, or
142 assistance, or those of a household to which the individual belongs, with other services provided
143 by the District government or with services provided by the federal government or a private
144 individual or entity;

145 (3) To conduct oversight activities, including management, financial and other
146 audits, program evaluations, planning, investigations, examinations, inspections, quality reviews,
147 licensure, disciplinary actions, or civil, administrative, or criminal proceedings or actions; and

148 (4) To conduct research related to program services, benefits, supports, assistance,
149 or program outcomes.

150 Sec. 8. Exclusion from income for certain purposes.

151 Program services and supports shall not be counted as income or an asset for purposes of
152 the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-
153 101; D.C. Official Code § 4-201.01 *et seq.*).

154 Sec. 9. Rulemaking.

155 The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act,
156 approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules
157 to implement the provisions of this act.

158 Sec. 10. Fiscal impact statement.

159 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
160 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
161 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

162 Sec. 11. Effective date.

163 This act shall take effect following approval by the Mayor (or in the event of veto by the
164 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
165 90 days, as provided for emergency acts of the Council of the District of Columbia in section
166 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
167 D.C. Official Code § 1-204.12(a)).