



2012 NOV -6 PM 1:31

OFFICE OF THE
SECURITY

VINCENT C. GRAY
MAYOR
NOV 6 2012

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Ave., N.W., Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration and enactment by the Council is the "Local Rent Supplement Vouchers Program Approval Resolution of 2012". If enacted, the proposed rules would amend Chapter 25 (Shelter and Supportive Housing for Individuals and Families) of Title 29 (Public Welfare) of the District of Columbia by creating new sections 2556 through 2558. These new sections will govern the eligibility requirements for participation in the Local Rent Supplement Vouchers Program. More specifically, if adopted, the proposed rules would establish criteria by which families will be determined eligible and prioritized for referral to the District of Columbia Housing Authority (DCHA) for consideration for inclusion in the tenant-based Local Rent Supplement Vouchers Program as authorized by Title V, Subtitle K of the Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025)

The rulemaking is authorized by section 5102 of the Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025), section 31 of the Homeless Services Reform Act of 2005, as amended, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-756.02 (2008 Repl.)) and Mayor's Order 2006-20, dated February 13, 2006.

This rulemaking requires a 45-day period for review by the Council.

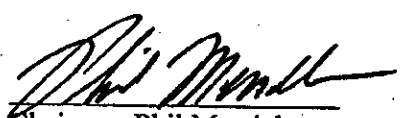
I urge the Council to take prompt and favorable action on the "Local Rent Supplement Vouchers Program Approval Resolution of 2012".

Sincerely,

A handwritten signature in black ink that reads "Vincent C. Gray".
Vincent C. Gray

VCG/db
Enclosure

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Chairman Phil Mendelson
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following resolution, which was referred to the Committee on _____

To approve the proposed rules to implement the Special Eligibility Criteria for the District of Columbia Local Rent Supplement Program Voucher for Families Experiencing Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Special Eligibility Criteria for Local Rent Supplement Program Vouchers for Families Experiencing Homelessness Approval Resolution of 2012".

Sec. 2. Pursuant to section 31 of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-756.02), the Mayor, on _____, 2012, transmitted to the Council the proposed rulemaking adopted by the Director of the Department of Human Services to implement the District of Columbia's Local Rent Supplement Vouchers Program as authorized by Title V, Subtitle K of the Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025). The Council approves the rulemaking, published at ___ DCR

1 _____, to amend a Chapter 25 of Title 29 of the District of Columbia Municipal
2 Regulations.

3 Sec. 3. Fiscal impact.

4 The Council adopts the fiscal impact statement in the committee report as the
5 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
6 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
7 206.02(c)(3)).

8 Sec. 4. The Council shall transmit a copy of this resolution, upon its adoption, to
9 the Mayor, the Director of the Department of Human Services, and the Administrator of
10 the Office of Documents and Administrative Issuances.

11 Sec. 5. This resolution shall take effect immediately.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Human Services (Department), pursuant to the authority set forth in section 31 of the Homeless Services Reform Act of 2005 (HSRA), effective October 22, 2005 (D.C. Law 16-35, D.C. Official Code § 4-756.02 (2008 Repl.)), and Mayor's Order 2006-20, dated February 13, 2006, hereby gives notice of its intent to amend chapter 25, Shelter and Supportive Housing for Individuals and Families, of Title 29 of the District of Columbia Municipal Regulations on an emergency basis as emergency rulemaking to become effective upon adoption. The Department also gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days after the publication of this notice in the *D.C. Register* and upon Council approval or upon expiration of the forty-five (45)-day Council review period, whichever occurs first.

The purpose of the amended chapter is to establish criteria by which families will be determined eligible and prioritized for referral to the District of Columbia Housing Authority (DCHA) for consideration for inclusion in the tenant-based Local Rent Supplement Vouchers Program as authorized by Title V, Subtitle K of the Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025). In accordance with section 31 of the HSRA (D.C. Law 16-35; D.C. Official Code § 4-756.02), these rules will be transmitted to the Council for the District of Columbia for a forty-five (45)-day Council review.

Emergency rulemaking action, pursuant to section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl.)), is necessary for the immediate preservation of the health, safety and welfare of District residents who are homeless. It is essential that the Department identify and refer eligible families to DCHA expeditiously in order to ensure that shelter resources are made available for new families seeking shelter who have no other housing accommodations. The emergency rulemaking was adopted on September 11, 2012, and became effective at that time. The emergency rules shall remain in effect for one hundred twenty (120) days after adoption, expiring on January 8, 2013, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Chapter 25, SHELTER AND SUPPORTIVE HOUSING FOR INDIVIDUALS AND FAMILIES, of Title 29, PUBLIC WELFARE, of the DCMR is amended by adding new sections 2556 through 2558 to read as follows:

2556 SPECIAL ELIGIBILITY CRITERIA FOR REFERRAL TO THE LOCAL RENT SUPPLEMENT PROGRAM – PURPOSE AND SCOPE

2556.1 The purpose of §§ 2556 - 2558 is to establish the special eligibility criteria by which families will be determined eligible and prioritized for referral to the District of Columbia Housing Authority (DCHA) for consideration for inclusion in the tenant-based Local Rent Supplement Vouchers Program as authorized and funded by Title V, Subtitle K of the Fiscal Year 2013 Budget Support Act of

2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025)
(hereinafter "LRSP vouchers").

2556.2 Sections 2556 through 2558 govern only the initial eligibility, prioritization, and referral of families to the DCHA for the LRSP vouchers and no other provisions of this chapter shall apply to the families once referred, unless otherwise and explicitly provided in §§ 2556 - 2558.

2556.3 The DCHA shall make the final determination of a family's eligibility for a LRSP voucher. Families referred to the DCHA for the LRSP vouchers are subject to all applicable eligibility and other requirements of the applicable Local Rent Supplement Program, as promulgated and administered by the DCHA, and in accordance with Title V, Subtitle K of the Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025).

2556.3 Nothing in these rules shall be construed to create an entitlement either direct or implied on the part of any individual or family to referral to or participation in the Local Rent Supplement Program.

2557 SPECIAL ELIGIBILITY CRITERIA FOR REFERRAL TO THE LOCAL RENT SUPPLEMENT PROGRAM – ELIGIBILITY REQUIREMENTS

2557.1 An applicant unit shall be eligible for referral to the DCHA for the LRSP vouchers if the applicant unit is a family, as defined in § 2599, that:

- (a) Is currently homeless, because the applicant unit:
 - (1) Lacks a fixed, regular residence that provides safe housing, and lacks the financial means to acquire such a residence immediately, including victims of domestic violence who cannot remain in their present housing for safety reasons;
 - (2) Has a primary nighttime residence that is a supervised publicly or privately operated shelter or transitional housing facility designed to provide temporary living accommodations governed by this chapter or is currently receiving a rental subsidy through the Family Re-Housing and Stabilization Program governed by chapter 28 of Title 29 of the District of Columbia Municipal Regulations; or
 - (3) Has no other housing options identified;
- (b) Is a resident of the District of Columbia as defined by D.C. Official Code § 4-751.01(32) (2008 Repl. & 2012 Supp.); and

- (f) Facts and circumstances surrounding homelessness, including rental and other relevant housing history;
- (g) Financial and other assets available or obtainable in the short and long term to support housing stability; and
- (h) Facts and circumstances surrounding financial and other barriers to housing stability.

- 2558.8 The Provider shall give to each applicant a written request specifying the information needed to complete the application, and the Provider shall discuss with the applicant how to obtain the information. The application shall be considered complete when all required information is furnished.
- 2558.9 The Provider may use, among other things, documents, telephone conversations, personal and collateral interviews, reports, correspondence, and conferences to verify applicant information.
- 2558.10 An application shall be considered abandoned if the applicant has not obtained and provided to the Provider the required information for eligibility determination within sixty (60) calendar days of the date of application.
- 2558.11 If an interested individual or family submits an application and is found not to be eligible, the Department or its designee shall provide the applicant with a Notice of Denial of Eligibility, which shall include:
- (a) A clear statement of the applicant's eligibility determination;
 - (b) A clear and detailed statement of the factual basis of the denial, including a reference to the eligibility criteria set forth in §2557 that has not been met; and
 - (c) A clear and complete statement of the client's right to appeal the denial of eligibility through a fair hearing and administrative review including the appropriate deadlines for instituting the appeal.
- 2558.12 If a family issued a Notice of Denial of Eligibility pursuant to § 2558.11 is successful in their appeal, the family shall be prioritized for referral based on the criteria set forth in § 2557.2.

All persons who desire to comment on these proposed rules should submit their comments in writing to David A. Berns, Director, Department of Human Services, 64 New York Avenue, N.E., Washington, D.C. 20002, Attn: Mr. Fred Swan, Administrator, Family Services Administration. All comments must be received by the Department of Human Services not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of these rules and related information may be obtained by writing to the above address, calling the Department

of Human Services at (202) 671-4200, or by sending an e-mail to Fred Swan at fred.swan@dc.gov

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division

MEMORANDUM

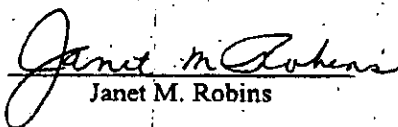
TO: Lolita S. Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: October 26, 2012

SUBJECT: Certification of Legal Sufficiency of Resolution, the "Special Eligibility
Criteria for Local Rent Supplement Program Vouchers for Families
Experiencing Homelessness Approval Resolution of 2012"
(AE-12-858)

This is to Certify that this Office has reviewed the above-referenced legislation and has found it to be legally sufficient. If you have any questions regarding this certification, please do not hesitate to contact me at 724-5524.


Janet M. Robins

JMR/phg