

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish a Hearing Aid Assistance Program, to be administered by the Department of Health, to provide individuals that are District residents and have an annual household gross income of less than \$100,000 with a reimbursement to offset the cost of purchasing a hearing aid; and to amend section 47-1803.02 of the District of Columbia Official Code to provide that the amount received by a taxpayer from the Hearing Aid Assistance Program shall be excluded in the computation of District gross income..

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Hearing Aid Assistance Program Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) “DDS” means the Department of Disability Services.
- (2) “Department” means the Department of Health.
- (3) “Disability” shall have the same meaning as provided in section 2(4) of the Disability Rights Protection Act of 2006, effective March 8, 2007 (D.C. Law 16-239; D.C. Official Code § 2-1431.01(4)).
- (4) “Health care provider” shall have the same meaning as provided in section 2(5) of the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501(5)).
- (5) “Hearing aid” shall have the same meaning as provided in D.C. Official Code § 28-4001(3).
- (6) “Household gross income” shall have the same meaning as provided in D.C. Official Code § 47-1806.06(b)(1)(A).
- (7) “Program” means the Hearing Aid Assistance Program established by section 3.

Sec. 3. Hearing Aid Assistance Program.

(a) There is established the Hearing Aid Assistance Program, to be administered by the Department of Health in consultation with the Department of Disability Services, to provide a

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reimbursement of up to \$500 to offset the purchase of a hearing aid by individuals who are District residents and have an annual household gross income of less than \$100,000.

(b) To be eligible for the reimbursement provided pursuant to subsection (c) of this section, an individual shall:

(1) Complete a Program application, on a form developed by the Department, certifying that the individual is:

(A) A resident of the District of Columbia; and

(B) Has an annual household gross income of less than \$100,000;

(2) Provide a receipt certifying the purchase of a hearing aid;

(3) Provide a written statement from the individual's health care provider attesting to the medical necessity for obtaining a hearing aid; and

(4) Meet all additional requirements and criteria provided for in Program rules promulgated pursuant to subsection (f) of this section.

(c)(1) Upon approval of an application submitted pursuant to subsection (b) of this section, the Program shall provide a reimbursement of up to \$500; provided, that:

(A) The amount of the reimbursement shall be commensurate with the purchase price of the hearing aid; and

(B) Reimbursements shall be contingent upon the availability of funds.

(2) Any reimbursement issued pursuant to this subsection shall not be considered income for the purposes of District of Columbia income tax.

(d) The Program shall be funded from the following sources:

(1) In Fiscal Year 2019, \$500,000 in recurring local funds;

(2) Federal grants; and

(3) Private donations.

(e) By January 1, 2020, and on an annual basis thereafter, the Department, in consultation with DDS, shall transmit a report to the Mayor and the Council regarding the performance of the Program in the prior fiscal year, and:

(1) If demand for the Program exceeds available funding, the report may include recommendations to the Council to adjust Program eligibility criteria to include children under 14 years of age, residents over 65 years of age, and residents with a disability; or

(2) If available funding exceeds demand for the Program, the report may include recommendations to the Council regarding the establishment of a refurbishment initiative to collect and repurpose previously used hearing aids.

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

Sec. 4. Section 47-1803.02(a)(2) of the District of Columbia Official Code is amended by adding a new subparagraph (EE) to read as follows:

“(EE) The amount received by a taxpayer from the Hearing Aid

Assistance Program pursuant to section 3 of the Hearing Aid Assistance Program Act of 2018, passed on 2nd reading on May 1, 2018 (Enrolled version of Bill 22- 354).”.

Sec. 5. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

The act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia