



2018 SEP 17 AM 9:53
OFFICE OF THE
CITY CLERK

MURIEL BOWSER

MAYOR

SEP 17 2018

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

Dear Chairman Mendelson:

Enclosed for consideration and enactment by the Council of the District of Columbia is the "Access to Public Benefits Emergency Amendment Act of 2018," the "Access to Public Benefits Emergency Declaration Resolution of 2018," the "Access to Public Benefits Temporary Amendment Act of 2018," and the "Access to Public Benefits Amendment Act of 2018."

If enacted, the legislation would modernize 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 Programs (SNAP) benefits and other locally funded non-TANF cash assistance benefits including the Program on Work Employment and Responsibility (POWER), General Assistance for Children (GAC) and Interim Disability Assistance (IDA) benefits.

After the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was enacted, the District effectively opted out of the Federal requirement to bar individuals convicted under federal or state law of any offense classified as a felony with controlled substance use/possession/distribution as an element from being eligible for TANF. However, the law did not include an opt out from the SNAP program eligibility prohibition for convicted drug felons. In order to comply with federal law by October 1, DHS will add a question to the SNAP portion of the consolidated application for benefits that asks about felony drug conviction history. If the District becomes aware of controlled substance drug related conviction history for SNAP recipients or applicants (i.e. by asking this question on the application), then those individuals would be deemed ineligible for federal SNAP monies due to the federal law. This legislation would allow the District to opt out from denying benefits to persons with felony drug convictions.

The proposed legislation will continue to allow the District to maximize federal dollars, give ex-offenders the opportunity to feed and care for themselves, and support DC values.


I urge the Council to take prompt and favorable action of this matter. If you have any questions, please contact Laura Green Zeilinger, Director of Human Services, at (202) 671-4355. I thank you in advance for your prompt attention to this legislation.

Sincerely,

A handwritten signature in black ink that reads "Muriel Bowser".

Muriel Bowser

Enclosures


Chairman Mendelson
At the request of the Mayor

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6 A BILL
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10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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15 Chairman Mendelson, at the request of the Mayor, introduced the following bill, which was
16 referred to the Committee on _____.

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18 To amend the District of Columbia Public Assistance Act of 1982 to extend the opt out from
19 denying Temporary Assistance for Needy Families (TANF) to certain drug felons to
20 Supplemental Nutrition Assistance Program (SNAP) benefits and other locally funded
21 non-TANF cash assistance benefits.
22

23 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may
24 be cited as the “Access to Public Benefits Amendment Act of 2018.”

25 Sec. 2. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982
26 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

27 (a) Section 571 (D.C. Official Code § 4-205.71) is amended to read as follows:

28 **“Sec. 571. Granting cash and food assistance benefits to drug felons.**

29 “An adult who is a drug felon shall not be denied cash or food assistance benefits,
30 including TANF, Supplemental Nutrition Assistance Program (“SNAP”), POWER, GAC, and
31 IDA benefits, solely because he or she is a drug felon.”

32 Sec. 3. Fiscal impact statement.

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

36 Sec. 4. Effective date.

37 This act shall take effect following approval by the Mayor (or in the event of veto by the
38 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
39 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
40 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
41 Columbia Register.

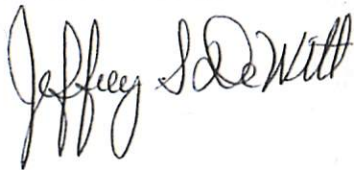
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: September 4, 2018

SUBJECT: Fiscal Impact Statement – Access to Public Benefits Amendment Act of 2018 (including the emergency and temporary versions of the bill)

REFERENCE: Draft legislation provided to the Office of Revenue Analysis on August 31, 2018

Conclusion

Funds are sufficient in the fiscal year 2018 budget and fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the proposed legislation.

Background

The legislation prevents the District from denying cash or food assistance benefits to persons based solely on their status as a drug felon. The restriction covers benefits under the Supplemental Nutrition Assistance Program (“SNAP”),¹ Program on Work Employment and Responsibility (“POWER”)², General Assistance for Children (“GAC”)³, and Interim Disability Assistance (“IDA”)⁴.

¹ SNAP helps income eligible residents and families buy food. For more information on the program, visit: (<https://dhs.dc.gov/service/supplemental-nutrition-assistance-snap>).

² POWER offers specialized services and resources for residents with disabilities. For more information on the program visit (<https://dhs.dc.gov/publication/power-program-work-employment-and-responsibility>).

³ GAC provides cash assistance to households caring for unrelated children whose parents and other relatives are absent from the household and who do not or cannot provide financial support for the care of the child. A description of the program can be found in this publication of the Economic Security Administration within the Department of Human Services: (https://dhs.dc.gov/sites/default/files/dc/sites/dhs/publication/attachments/TANF_Customer_Booklet_Ver_13%20FINAL-V9_0.pdf).

⁴ IDA provides temporary financial assistance to those who are unable to work due to a disability and have a high probability of receiving federal Supplemental Security Income (SSI). IDA payments are issued until SSI eligibility is approved or denied. (<https://dhs.dc.gov/node/117332>).

The Honorable Phil Mendelson

FIS: "Access to Public Benefits Amendment Act of 2018," Draft legislation provided to the Office of Revenue Analysis on August 31, 2018.

Federal law⁵ prohibits people convicted of controlled substance felonies from receiving certain federal assistance program benefits, but states and the District may opt out of the requirement. The District had previously opted out⁶ of the prohibition with regard to Temporary Assistance for Needy Families ("TANF") benefits⁷. The bill expands the opt-out and allows people convicted on controlled substance felonies to receive SNAP benefits as well as other District benefits including POWER, GAC, and IDA benefits.

Financial Plan Impact

Funds are sufficient in the fiscal year 2018 budget and fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the proposed legislation. It is the District's current practice to administer SNAP benefits and locally-funded benefits regardless of controlled substance felon status. The bill will ensure the District receives federal reimbursement for any SNAP aid provided to persons with controlled substance felony convictions.

⁵ 21 U.S.C. § 862a(a).

⁶ District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-2015.71).

⁷ For more information on the TANF program, visit: <https://dhs.dc.gov/service/whats-new-tanf>

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Legal Counsel Division

MEMORANDUM

TO: Alana Intrieri
Director
Office of Policy and Legislative Affairs

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

DATE: September 6, 2018

RE: Access to Public Benefits Amendment Act of 2018, Emergency and
Temporary Versions, and Emergency Declaration
(AE-18-426B)

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


Janet M. Robins