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A BILL
23-939

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary, 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 Temporary Amendment Act of 2020”.

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.

“(a)(1) To qualify for emergency rental assistance funds made available pursuant to this section (“Emergency Rental Assistance Funds”), an applicant unit shall be required to meet only the following eligibility criteria:

28 “(A) Be living in the District of Columbia at the time of application;

29 “(B) Be presented with an emergency situation that he or she has no other
30 available resources to resolve, while still meeting other basic needs; and

31 “(C) Have a net income, combined with the net income of any individual
32 with whom he or she lives, that in the 30 days immediately preceding the date of application
33 does not exceed 40% of the Area Median Income (AMI) for the District of Columbia for the
34 specified household size.

35 “(2) To qualify for Emergency Rental Assistance Funds, an applicant unit may be
36 required to document or otherwise establish the following, but no other documentation or proof
37 shall be required:

38 “(A) That he or she is living in the District of Columbia at the time of
39 application;

40 “(B) The applicant unit’s household income and assets;

41 “(C) The number of bedrooms in the unit occupied by the applicant unit;

42 “(D) The number of people in the applicant unit’s household; and

43 “(E) Facts and circumstances surrounding rental arrearages, security or
44 damage deposit, or first month’s rent, including that the applicant unit is responsible for
45 payment.

46 “(3) An unsworn declaration made under penalty of perjury shall be considered
47 sufficient documentation or proof for the purposes of paragraph (2) of this subsection.

48 “(4) To qualify for Emergency Rental Assistance Funds, an applicant unit shall
49 not be required to provide documentation or proof that the members of his or her household are
50 related by blood, legal adoption, marriage or domestic partnership, or legal guardianship.

51 “(5) Case management or other services shall not be required as a condition to
52 qualify for Emergency Rental Assistance Funds.

53 “(b)(1) Emergency Rental Assistance Funds shall not be paid to the applicant unit but
54 instead directly to a vendor providing a service to the applicant unit.

55 “(2) Emergency Rental Assistance Funds may be utilized to pay rent arrearage,
56 late fees, and associated court fees if eviction is imminent or the applicant unit has a current rent
57 arrearage at least 30 days past due.

58 “(3)(A) The total payment of Emergency Rental Assistance Funds on behalf of an
59 applicant unit for rent arrearages, late fees, and associated court fees shall not exceed an amount
60 equal to the applicable fair market rent for the Washington-Arlington-Alexandria Metropolitan
61 area based on unit size and zip code, as established by the U.S. Department of Housing and
62 Urban Development, multiplied by 5. This cap may be waived if one or more of the following
63 factors are determined to exist:

64 “(i) The applicant unit lives with 6 or more individuals and
65 reasonable alternatives to the existing housing arrangement are not available;

66 “(ii) An individual living with the applicant unit has a physical or
67 mental disability or an extended illness such that loss of existing housing would pose a serious
68 threat to the health or safety of the family member; or

69 “(iii) The applicant unit is applying for Emergency Rental
70 Assistance Funds during a public health emergency declared pursuant to section 5a of the
71 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
72 194; D.C. Official Code § 7-2304.01) (“public health emergency”), or within 180 days after its
73 conclusion.

74 “(B) During a public health emergency and for 180 days after its
75 conclusion, an arrearage paid with Emergency Rental Assistance Funds may be for as many
76 months of rent as the total number of months that the public health emergency has been in effect
77 pursuant to § section 5a of the District of Columbia Public Emergency Act of 1980, effective
78 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

79 “(4) When a payment of Emergency Rental Assistance Funds up to the amount
80 authorized by this section would not substantially alleviate an emergency situation during the 30-
81 day period immediately following the authorization of payment, such payment shall not be made
82 unless the applicant unit demonstrates that a landlord will:

83 “(A) Accept partial payment in full satisfaction of the outstanding rent
84 due; or

85 “(B) Enter into a longer-term repayment plan for the payment of the
86 remaining balance of unpaid rent.

87 “(5)(A) The use of Emergency Rental Assistance Funds to cover a security or
88 damage deposit shall only be authorized if the landlord does not waive the deposit and one of the
89 following criteria is met:

90 “(i) The applicant unit is or will become homeless if assistance is
91 not provided; or

92 “(ii) The purpose of the assistance is to reunite a child less than 18
93 years of age with his or her family or to prevent separation of a child less than 18 years of age
94 from his or her family.

95 “(B) The maximum payment for a security or damage deposit shall be the
96 actual amount of the deposit, which may not exceed more than the cost of one month’s
97 unsubsidized rent, as specified by the landlord.

98 “(6)(A) Assistance may be authorized for first month’s rent if:

99 “(i) The applicant unit is eligible for a security deposit payment as
100 specified in paragraph (5)(A) of this subsection;

101 “(ii) The first month’s rent must be paid in conjunction with the
102 security deposit in order for the applicant unit to assume tenancy and

103 “(iii) The applicant unit has no other means of paying for the first
104 month’s rent at the time it is required.

105 “(B) The maximum emergency assistance payment for first month’s rent
106 under this paragraph shall not exceed the actual amount of one month’s unsubsidized rent, as
107 specified by the landlord.

108 “(c) An applicant unit that has met the eligibility standards set forth in this section shall
109 qualify for Emergency Rental Assistance Funds; except, that the agency may provide funding on
110 a first come, first served basis and subject to availability of funds.

111 “(d) To the extent not explicitly superseded by the provisions of this act, the Emergency
112 Rental Assistance Program rules (29 DCMR § 7500 *et seq.*) shall remain in effect until
113 superseded by rules promulgated by the Mayor pursuant to the authority of this act. Upon the
114 effective date of rules promulgated pursuant to this act, each superseded portion of the
115 Emergency Rental Assistance Program rules shall be deemed repealed.

116 “(e) For purposes of this section, the term:

117 “(1) “Applicant unit” means an individual who is applying for Emergency Rental
118 Assistance Funds pursuant to this section for his or her own needs or the needs of those with
119 whom he or she lives.

120 “(2) “Basic needs” includes groceries, childcare, utilities, and car payments.

121 “(3) “Emergency situation” means a situation in which immediate action is
122 necessary to avoid homelessness or eviction, to re-establish a home, or otherwise to prevent
123 displacement from a home.

124 “(4) “Living in the District of Columbia” means that an individual is maintaining
125 a home in the District as his or her principal residence or, if he or she is homeless, that he or she
126 is physically present in the District and not a resident of another state.”.

127 Sec. 3. Fiscal impact statement.

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

131 Sec. 4. Effective date.

132 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
133 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
134 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
135 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
136 Columbia Register.

137 (b) This act shall expire after 225 days of its having taken effect.