

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on an emergency basis, due to congressional review, 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 Congressional Review Emergency Amendment Act of 2021”.

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:

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

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

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

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

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

- “(B) The applicant unit’s household income and assets;
- “(C) The number of bedrooms in the unit occupied by the applicant unit;
- “(D) The number of people in the applicant unit’s household; and
- “(E) Facts and circumstances surrounding rental arrearages, security or

damage deposit, or first month’s rent, including that the applicant unit is responsible for payment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(1) “Applicant unit” means an individual who is applying for Emergency Rental Assistance Funds pursuant to this section for his or her own needs or the needs of those with

whom he or she lives.

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

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

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

**Sec. 3. Applicability.**

This act shall apply as of February 1, 2021.

**Sec. 4. Fiscal impact statement.**

The Council adopts the fiscal impact statement of the Budget Director 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. 5. Effective date.**

This 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia