



MURIEL BOWSER
MAYOR

April 29, 2022

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

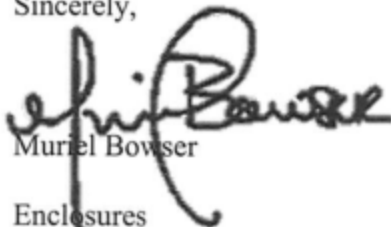
Dear Chairman Mendelson:

Enclosed for consideration and enactment by the Council of the District of Columbia is the "Career Mobility Action Plan Establishment Emergency Act of 2022," the "Career Mobility Action Plan Establishment Emergency Declaration Resolution of 2022," the "Career Mobility Action Plan Establishment Temporary Act of 2022," and the "Career Mobility Action Plan Establishment Act of 2022." These pieces of legislation, if enacted, will allow the Department of Human Services to begin implementation of the Career Mobility Action Plan (Career MAP) pilot program that was included in the Fiscal Year 2022 budget.


The proposed legislation formally authorizes the establishment of the Career MAP program, including the resources that the program may provide to participants. Such resources may include rental assistance; income support; career navigation and advancement services; coaching; case management; and other support services needed to overcome barriers to economic advancement. Further, the legislation will exclude resources provided by Career MAP from the asset and income tests that apply to certain other public assistance benefits. This provision will help ensure program funds do not replace other government assistance that Career MAP participants are eligible to receive.

Through this legislation, the District can begin to implement this important program that has already received broad support. I urge the Council to take prompt and favorable action on the enclosed legislation.

Sincerely,


Muriel Bowser

Enclosures


Chairman Phil Mendelson
at the request of the Mayor

1 A BILL
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5 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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9 To authorize, on a temporary basis, a program to reduce and remove obstacles that low-income
10 households confront as they pursue higher income through employment.
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12 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
13 act may be cited as the “Career Mobility Action Plan Program Establishment Temporary Act of
14 2022”.

15 Sec. 2. Definitions.

16 For the purposes of this act, the term:

17 (1) “Area median income” means the area median income of the Washington
18 Metropolitan Statistical Area as set forth in the periodic calculation provided by the U.S.
19 Department of Housing and Urban Development.

20 (2) “Federal poverty guidelines” means the poverty guidelines updated
21 periodically in the Federal Register by the U.S. Department of Health and Human Services under
22 the authority of section 673 of the Community Services Block Grant Act, approved October 27,
23 1998 (112 Stat. 2729; 42 U.S.C. § 9902(2)).

24 (3) “Low-income household” means a household consisting of one or more
25 individuals with a household income:

26 “(A) At or below 185% of federal poverty guidelines for the size of its
27 household; or

28 “(B) At or below 40% of the area median income for its size of household.

29 (4) “Program” means the Career Mobility Action Plan program.

30 (5) “Program participant” means a low-income household enrolled in the
31 program.

32 Sec. 3. Career mobility program authorization.

33 (a) The Mayor may establish and administer the Career Mobility Action Plan program to
34 reduce and remove obstacles that low-income households confront as they pursue higher
35 incomes through employment, including a decrease in public benefits that may result from an
36 increase in the household’s income.

37 (b)(1) The Mayor may provide support services to program participants to help achieve
38 the goals of the program.

39 The support services and supports provided by the Mayor may include rental
40 assistance, income support, career navigation and advancement services, coaching, case
41 management, and other support services and resources.

42 (2) The specific types and amounts of support services provided shall be
43 determined based on household income, household composition, and other criteria established by
44 the Mayor. Other criteria may factor in funding availability, reducing the impact of losses of
45 other types of benefits a household may receive as income increases, addressing short-term
46 household emergencies, and supporting career advancement activities.

47 (c) The Mayor may issue grants to service providers to implement the provisions of this
48 act.

49 Sec. 4. Eligibility, enrollment, and program requirements.

50 (a) To be eligible to participate in the program, a household shall:

- 51 (1) Reside in the District of Columbia;
- 52 (2) Be a low-income household at the time that the household's initial eligibility
53 is determined;
- 54 (3) Contain at least one individual who is currently participating in a housing-
55 assistance program administered by the District or federal government or such specific District
56 or federal housing assistance programs as may be designated by the Mayor by rule, at the time
57 that the household's initial eligibility is determined; and
- 58 (4) Meet any other eligibility criteria established by the Mayor by rule.

59 (b) The Mayor may establish preference criteria , by rule, and an application process, and
60 may also conduct a randomized lottery to select eligible households to participate in the program
61 and to aid in the evaluation of the program. Preference criteria may factor in whether a
62 household is participating in a time-limited housing-assistance program, includes children under
63 the age of 18, and or is willing to participate in career-related and other program activities.
64 Preference criteria may limit participation to households that are participating in one or more
65 specific housing-assistance programs at the time their initial eligibility for the Program is
66 determined.

67 (c) No provision of this act shall be construed to create an entitlement to the program.

68 (d)(1) A program participant shall remain eligible to participate in the program for no
69 more than 5 years after enrollment regardless of income.

70 (2) To remain eligible to participate in the program, program participants shall
71 maintain residency in the District , participate in any support services mandated as a condition
72 of continued eligibility in the program, and meet requirements and criteria established by the
73 Mayor.

74 (3) Participants must exit other housing-assistance programs upon enrollment in
75 Career MAP. A program participant shall cease to be eligible to participate in the program if,
76 during the program participant's enrollment, any member of the program participant's household
77 becomes enrolled in another District or federal government-funded rental assistance program.

78 Sec. 5. Notice of changes to services or supports.

79 The Mayor shall provide written notice to a program participant before terminating,
80 reducing, or changing their support services. The notice shall advise the program participant of
81 the action the Mayor plans to take, the reason for the action, the date the action will be taken, and
82 the program participant's right to request a hearing under section 6.

83 Sec. 6. Hearings.

84 (a) A program participant or their representative may request a hearing to appeal a
85 decision by the Mayor to:

86 (1) Terminate the program participant from the program after less than 5 years of
87 participation; or

88 (2) Reduce or change the support services provided to the program participant
89 based on the program participant's failure to comply with the program requirements or based on
90 income, household composition, or other criteria established by the Mayor.

91 (b) If a program participant requests a hearing, the Department shall give the program
92 participant reasonable notice of the time and location where the hearing will take place.

93 (c) Hearings shall follow the procedures set forth in sections 1003, 1005, 1007, 1008,
94 1010, 1011, 1013, 1014, 1015, and 1017 of the District of Columbia Public Assistance Act of
95 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code §§ 4-210.03, 4-210.05, 4-
96 210.07, 4-210.08, 4-210.10, 4-210.11, 4-210.13, 4-210.14, 4-210.15, and 4-210.17).

97 (d) A request for a hearing shall be made by the following deadlines:

98 (1) If the adverse action described in subsection (a) was preceded by notice to the
99 participant:

100 (A) If the notice was sent by postal mail, within 30 days after the postmark
101 date of the notice;

102 (B) If the notice was sent by email, within 30 days after the date of the
103 email; or

104 (C) If the notice was sent by both postal mail and email, by the earlier
105 deadline set forth in sub-paragraphs (A) and (B) of this paragraph; or

106 (2) If the adverse action described in subsection (a) was taken without prior
107 notice, within 30 days after the adverse action was taken.

108 (e) A hearing shall be held after the administrative review, if the administrative review
109 does not lead to the withdrawal of the hearing request.

110 (f) A program participant that timely requests a hearing shall continue to receive the
111 program services or supports provided prior to the adverse action pending a final decision.

112 (g) If a program participant prevails in a hearing, the Mayor shall provide the following
113 remedies:

114 (1) If the Mayor determines that the basis for termination or reduction of program
115 services or supports was correct, but there was a defect in providing written notice to the
116 program participant, the Mayor shall remedy the error by issuing a corrected notice.

117 (2) If the Mayor determines that the basis for termination of program participation
118 was incorrect:

119 (A) The Mayor shall remedy the error by:

120 (i) Re-enrolling the program participant in the program, if the
121 program's participant's participation in the program was actually terminated; and

122 (ii) Providing program services and supports retroactive to the date
123 of the incorrect termination or 3 months before the date the hearing request was filed, whichever
124 is later, to the extent that such services and supports can be provided retroactively; and

125 (B) The time limit on program participation set forth in section 4(d)(1)
126 shall be considered tolled during any period of time during which program participation was
127 incorrectly terminated.

128 (3) If the Mayor determines that the basis for a reduction of program services or
129 supports was incorrect, the Mayor shall remedy the error by:

130 (A) Returning program services and supports to the level they were at on
131 the date of the incorrect reduction; and

132 (B) Providing programs services and supports retroactive to the date of the
133 incorrect reduction or 3 months before the date the hearing request was filed, whichever is later,
134 to the extent that such services and supports can be provided retroactively.

135 Sec. 7. Confidentiality.

136 (a) The Mayor shall not use or disclose information collected from or about a program
137 participant or applicant except as provided in subsection (b) of this section and section 6(c).

138 (b) The Mayor may use and disclose to other District agencies, contractors, grantees,
139 auditors, and program evaluators information in program records concerning current or former
140 program participants or applicants, without prior consent from any individual to whom the
141 information pertains, for the following purposes; provided, that the use or disclosure is not
142 otherwise prohibited under District or federal law:

143 (1) To establish an applicant's eligibility for, or to determine their amount and
144 type of, support services;

145 (2) To coordinate for the program participant their support with other services
146 provided by the District government, federal government, or private individual or entity;

147 (3) To conduct oversight activities, including management, financial and other
148 audits, program evaluations, planning, investigations, examinations, inspections, quality reviews,
149 licensure, disciplinary actions, or civil, administrative, or criminal proceedings or actions; or

150 (4) To conduct research related to program services, benefits, supports, assistance,
151 or program outcomes.

152 Sec. 8. Exclusion from income for certain purposes.

153 Support services shall not be considered income or an asset for purposes of the District of
154 Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official
155 Code § 4-201.01 *et seq.*).

156 Sec. 9. Rulemaking.

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

160 Sec. 10. Fiscal impact statement.

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

164 Sec. 11. Effective date.

165 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
166 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
167 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
168 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
169 Columbia Register.

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


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



Fitzroy Lee
Acting Chief Financial Officer

MEMORANDUM

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

FROM: Fitzroy Lee
Acting Chief Financial Officer 

DATE: March 31, 2022

SUBJECT: Fiscal Impact Statement - Career MAP Establishment Emergency Act of 2022 (and accompanying Temporary and Permanent versions)

REFERENCE: Draft bill as provided to the Office of Revenue Analysis on March 25, 2022

Conclusion

Funds are sufficient in the fiscal year 2022 budget and proposed fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. For fiscal year 2022, \$2.7 million has been set aside for the bill and a total of \$12.1 million has been set aside in the financial plan.

Background

The bill establishes a Career Mobility Action Plan (MAP) pilot program at the Department of Human Services (DHS). The purpose of the program is to remove barriers that households with low income confront as they pursue higher earnings through employment. Due to income limitations and income-contingent provisions on many different types of benefits, households can experience a "benefit cliff" - a sudden and unexpected decrease in public benefits due to a small increase in earnings, resulting in a household being financially poorer than before the wage increase. The bill authorizes DHS to provide different types of services and supports to households in the Career MAP program, including rental assistance, income support, career navigation and advancement services, coaching case management, or other needed services. Services can be provided directly by the District or through a grant or contract with a qualified organization.

Benefits received from the Career MAP program will be excluded from income and assets for the purpose of qualifying for Temporary Assistance for Needy Families.

The Honorable Phil Mendelson

FIS: Career MAP Establishment Emergency Act of 2022 (and accompanying Temporary and Permanent versions), Draft bill as provided to the Office of Revenue Analysis on March 25, 2022

DHS is authorized to select and enroll participants at authorized funding levels, and to use a randomized lottery for selection to aid in the evaluation of Career MAP. Minimum criteria for selection are District residency and current participation in a qualifying housing-assistance program. Program participants shall remain eligible for Career MAP for no more than five years after enrollment, regardless of income. The nature and levels of benefits provided through Career MAP shall be established based on income, household composition, and other criteria established by the Mayor, and the bill establishes rulemaking authority for the program.

The bill allows the Mayor to sanction program participants for noncompliance with program rules; establishes notice requirements for changes in eligibility and services; and provides for participant hearing rights in the event they are harmed by a decision of DHS to exit them from the program prior to five years or reduce their Career MAP benefits or services.

Financial Plan Impact

Funds are sufficient in the fiscal year 2022 budget and proposed fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. DHS has set-aside \$12.055 million of federal American Rescue Plan Act (ARPA) funding through fiscal year 2024 for the program, which DHS plans to spend on new services authorized under the bill.

Career MAP Establishment Act						
Fiscal Year 2022 – Fiscal Year 2026						
Dollars (Thousands)						
	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Total
ARPA Funding	\$2,705	\$4,675	\$4,675	\$0	\$0	\$12,055

The bill specifies that Career MAP is only available to a limited number of participants based on funding availability and capacity. DHS has not yet determined the exact nature or costs of services participants may receive with the ARPA funding, but funds will likely be spent on career and income support services which will be tailored to participant needs. Currently DHS plans to enroll 300 households from among the approximately 3,000 currently receiving Family Re-housing Stabilization Program (FRSP) assistance.

Based on planned program size, DHS may also continue to spend an estimated \$7.56 million of local funds annually from FRSP rental assistance, because Career MAP program participants will be selected from current FRSP participants. The FRSP recurring budget in the proposed fiscal year 2023 through fiscal year 2026 financial plan is sufficient to pay for participants' rental assistance if the ARPA funding is used for other support services and when the ARPA funding expires. Extending program participants' rental assistance from the current 18 months to the five years envisioned for Career MAP does not have a cost, but it will change the profile of a portion of FRSP participation from shorter-term enrollment to longer-term enrollment.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

TO: Bryan Hum
Interim Director
Office of Policy and Legislative Affairs

FROM: Brian K. Flowers
Deputy Attorney General
Legal Counsel Division

DATE: March 30, 2022

SUBJECT: Legal Sufficiency Review – Draft Career MAP Emergency, Temporary, and Permanent Legislation, and Emergency Declaration Resolution (AE-22-185)

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

Brian K. Flowers

Brian K. Flowers