



MURIEL BOWSER
MAYOR

September 16, 2022

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
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 "Migrant Services and Supports Act of 2022". This legislation would provide critical authority to the Mayor to implement services and supports for recent immigrants to the United States who are present in the District and would align the provision of those services and supports with the District's homeless services program.

Since April 2022, approximately 8,000 migrants have arrived in Washington, DC from Texas and Arizona on hundreds of buses, and the ongoing transit of additional migrants to the District is expected. In recent weeks, the influx of migrants to the District has increased substantially, from an average of 50 to 100 persons per day throughout April, May, and June 2022 to nearly 300 persons per day as of August 2022. Texas and Arizona have pledged publicly to continue—and even expand—these busing operations indefinitely.

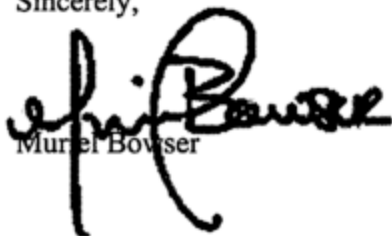
The District government has coordinated with multiple non-governmental organizations ("NGOs"), which quickly organized to aid the arriving migrants, and with the federal government and regional partners to ensure migrant arrivals are treated humanely and have the resources they need to reach their final destinations. The District government has also assisted the lead NGO for the migrant response in applying for and receiving approximately \$2 million in federal grants from the Federal Emergency Management Agency's Emergency Food and Shelter Program, which has been used to assist migrants with shelter, food, supplies, and onward travel costs. However, our NGO partners have told the District government that their capabilities—staffing, resources, and logistics—are becoming strained to the point where urgent, additional support is needed.

The influx of migrants into the District creates conditions that, absent the emergency and ongoing direction of supports and resources, will soon exceed the District government's capacity to provide appropriate and humane care for arriving migrants while maintaining necessary and appropriate levels of


human services for District residents, particularly access to shelter and other services for residents experiencing homelessness.

I urge the Council to take prompt and favorable action on the enclosed legislation.

Sincerely,



Muriel Bowser


Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To authorize the Mayor to establish and administer programs to provide services and supports to recent immigrants to the United States and to make conforming amendments to the Homeless Services Reform Act and the District of Columbia Public Emergency Act of 1980.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Migrant Services and Supports Act of 2022”.

TITLE I. MIGRANT SERVICES AND SUPPORTS

Sec. 101. Migrant services and supports.

The Mayor may establish an office and administer programs to provide time-limited services and supports to recent immigrants to the United States, including the following services and supports:

- (a) Welcome and other reception services;
- (b) Food, clothing, and other necessities;
- (c) Temporary shelter, which may be provided in a congregate setting;
- (d) Medical services, including health insurance;
- (e) Relocation services;
- (f) Cash assistance for food and other necessities, transportation, relocation, and other identified needs; and

32 (g) Social and legal services and referrals to external social and legal service programs
33 and providers.

34 Sec. 102. Eligibility.

35 (a) The Mayor may establish eligibility criteria, including statutory, regulatory, or
36 programmatic categories of immigration, means of entering the District, and length of time in the
37 United States or the District, for services provided under this act.

38 (b) No provision of this act shall be construed to create an entitlement (either direct or
39 implied) on the part of any individual or family to any services under this act.

40 Sec. 103. Relationship to other services.

41 Services provided under this act shall not be considered Continuum of Care services
42 under the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35;
43 D.C. Official Code § 4-751.01 *et seq.*).

44 Sec. 104. Grants.

45 Notwithstanding the Grant Administration Act of 2013, effective December 24, 2013
46 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), the Mayor may make grants to
47 nonprofit organizations and other entities to provide services and supports to recent immigrants
48 to the United States.

49 Sec. 105. Contracting.

50 The Mayor may, to implement this title, enter into contracts pursuant to the authority
51 provided by section 5(b) of the District of Columbia Public Emergency Act of 1980, effective
52 March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304(b)), regardless of whether an
53 order declaring a public emergency is in effect.

54 Sec. 106. Rulemaking.

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

58 **TITLE II. CONFORMING AMENDMENTS**

59 Sec. 201. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C.
60 Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

61 (a) Section 2(32)(A) (D.C. Official Code § 4-751.01(32)(A)) is amended as follows:

62 (1) Sub-subparagraph (ii) is amended by:

63 (A) Striking the phrase “for a temporary purpose” and inserting the phrase
64 “for a temporary purpose, including (i) individuals arriving in the District from southern border
65 states while (A) en route to a family member or sponsor or an intended destination outside the
66 District or (B) waiting to report to an immigration office located outside the District or waiting to
67 participate in an immigration interview or other immigration proceeding that is scheduled to be
68 held by an office or court, or other tribunal or fact-finder, located outside the District; (ii)
69 individuals paroled into the United States after January 1, 2022, under section 212(d)(5) of the
70 Immigration and Nationality Act, approved June 27, 1952 (66 Stat. 182; 8 U.S.C. § 1182(d)(5)),
71 except for (A) individuals who entered the United States pursuant to a special parole program
72 established by the federal government that is indicated on the parole or entry document and (B)
73 individuals granted parole while residing outside of the United States, until the completion of
74 their immigration proceedings, including any appeals; and (iii) individuals who were issued, after
75 January 1, 2022, a notice to appear in a proceeding to be held under section 240 of the
76 Immigration and Nationality Act, approved June 27, 1952 (66 Stat. 182; 8 U.S.C. § 1229a), until
77 the completion of their immigration proceedings, including any appeals,” in its place; and

78 (B) Striking the phrase “in accordance with” and inserting the phrase “in
79 accordance with this sub-subparagraph and” in its place.

80 (2) Sub-subparagraph (iii) is amended by striking the phrase “public assistance
81 from the District” and inserting the phrase “public assistance from the District, other than
82 assistance through the DC Healthcare Alliance,” in its place.

83 (b) Section 7(c)(3)(B) (D.C. Official Code § 4-753.01(c)(3)(B)) is amended by striking
84 the phrase “or asylum” and inserting the phrase “or asylum, except for a person who is eligible to
85 receive shelter under the Migrant Services and Supports Emergency Act of 2022,” in its place.

86 Sec. 202.(a) Section 5(b)(2) of the District of Columbia Public Emergency Act of 1980,
87 effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304(b)(2)), is amended by
88 striking the phrase “any public emergency” and inserting the phrase “any COVID-19-related
89 public emergency” in its place.

90 (b) This section shall apply as of September 6, 2022, and shall expire on the expiration
91 date of the Limited Coronavirus Procurement Second Extension Temporary Amendment Act of
92 2022, effective May 18, 2022 (D.C. Law 24-121; 69 DCR 2668).

93 **TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE**

94 Sec. 301. Fiscal impact statement.

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

98 Sec. 302. Effective date.

99 This act shall take effect following approval by the Mayor (or in the event of veto by the
100 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as

101 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
102 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
103 Columbia Register.

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: September 14, 2022

SUBJECT: Legal Sufficiency Review of Draft Bill, the “Migrant Services and Supports Emergency Act of 2022”, Temporary and Permanent Versions and Accompanying Emergency Declaration Resolution (AE-22-549)

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

Brian K. Flowers

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