

A RESOLUTION

23-223

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the District of Columbia Public Assistance Act of 1982 to extend the prohibition on the denial of cash or food assistance benefits to adults who are drug felons to include benefits obtained through the Supplemental Nutrition Assistance Program, the Program on Work, Employment, and Responsibility, the General Assistance for Children Program, and the Interim Disability Assistance Program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Access to Public Benefits Congressional Review Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need for the District to enact legislation to extend its current opt out from a federal law requiring the District to deny eligibility for Supplemental Nutrition Assistance Program (“SNAP”) and Temporary Assistance for Needy Families (“TANF”) benefits to individuals who have been convicted of any offense that is classified as a felony by the law of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance (“drug felons”).

(b) Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2180; 21 U.S.C. § 862a), requires the District to deny eligibility for SNAP and TANF benefits to individuals who are drug felons. Subsection (d)(1)(A) of section 115 permits states, including the District, to opt out of the federal law prohibition.

(c) The District exercised the subsection (d)(1)(A) opt out and provided benefits to drug felons who are applicants for or recipients of TANF by enacting section 571 of the District of Columbia Public Assistance Act of 1982, effective April 20, 1999 (D.C. Law 12-241; D.C. Official Code § 4-205.71).

(d) The Public Benefits Emergency Amendment Act of 2018, effective October 23, 2018 (D.C. Act 22-493; 65 DCR 12072) (“emergency legislation”), and the Access to Public Benefits Temporary Amendment Act of 2018, effective February 22, 2019 (D.C. Law 22-199; 65 DCR 12329) (“temporary legislation”), extended the District’s opt-out to encompass individuals who

are applicants for or recipients of SNAP and prohibited drug felons from being denied benefits obtained through the Program on Work, Employment, and Responsibility, the General Assistance for Children Program, and the Interim Disability Assistance Program.

(e) The emergency legislation expired on January 21, 2019, the temporary legislation expired on October 5, 2019, and the permanent legislation, the Access to Public Benefits Amendment Act of 2019, enacted October 7, 2019 (D.C. Act 23-120; 66 DCR ____), is pending but must complete the 30-day congressional review period and has no projected date to become law (“permanent legislation”).

(f) Congressional review emergency legislation is necessary to prevent a gap in the law between the expiration of the temporary legislation and the effective date of the permanent legislation to maintain the District’s expansion of the availability of critical benefits to District residents who have struggled with drugs. Without this expanded opt out, the District will not be able to assist otherwise qualified needy District residents with accessing nutritious foods solely because the individual is a drug felon without risking adverse action by federal auditors.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Access to Public Benefits Congressional Review Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.