



OFFICE OF THE
SECRETARY

2015 SEP 18 PM 1:29

MURIEL BOWSER
MAYOR

SEP 18 2015

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Ave., N.W., Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed for consideration and enactment by the Council is the "Advancing Year Round Access to Shelter Policy and Prevention of Homelessness Amendment Act of 2015."

If enacted, the legislation would provide the District of Columbia with the tools necessary to offer families experiencing homelessness with access to emergency shelter year-round. Specifically, the permanent legislation would create an interim eligibility placement for families whom the Department of Human Services (DHS) is unable to determine to be eligible for shelter at the time of application. The interim eligibility placement is a three-day shelter placement which may be extended up to three times.

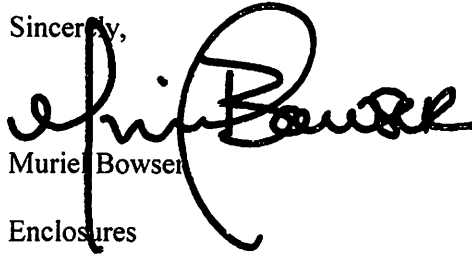
For various reasons, some families may be unable to provide DHS with the documentation necessary to determine eligibility for shelter at the time of application. Families may have experienced trauma, needed to make a quick escape from domestic violence, or have been moving from one place to another and are unable to locate the necessary documentation. Rather than making a hasty eligibility determination at this stage, DHS will engage more deeply with these families to determine if they are eligible for shelter, and in the interim, provide them with an interim eligibility placement into emergency shelter and the appropriate services needed to assist in meeting their specific needs.

The legislation will also create a new expedited appellate process for families who were denied shelter following an interim eligibility placement. For these families, they will have a right to request an administrative review with a DHS Administrative Review Officer, and the continuation of shelter pending the outcome of their administrative review. If the family is dissatisfied with the Administrative Review Officer's decision, they may file an appeal with the Office of Administrative Hearings.

Finally, the legislation allows the District to develop emergency housing that would create safe, clean, and modern development of rooms that are private while fulfilling the room requirements for families with amenities and services they need to succeed in the long run.


I urge the Council to take prompt and favorable action of this measure. If you have any questions, please contact Laura Zeilinger, Director of Human Services, at (202) 671-4355. I thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser". The signature is written in a cursive, flowing style. The first name "Muriel" is written in a larger, more prominent script, and "Bowser" is written in a slightly smaller, more compact script. The signature is positioned to the right of the word "Sincerely," and above the printed name "Muriel Bowser".

Muriel Bowser

Enclosures


Chairman Phil Mendelson
At the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following bill, which was referred to the Committee on _____.

To amend the Homeless Services Reform Act of 2005 by adding definitions for the terms “District of Columbia General Family Shelter Replacement Units” and “Interim Eligibility Placement,” to authorize the Mayor or the Mayor’s designee to place families, who do not have another safe housing alternative, in a temporary interim eligibility placement while it determines eligibility for shelter and assesses what supportive services are needed to assist the family in obtaining sustainable permanent housing, to authorize the Mayor to provide shelter to families in private rooms that are developed for the purpose of closing the District of Columbia General Family Shelter and replacing its units, to add a special expedited appeals process for families who are denied shelter following an interim eligibility placement, and to add that clients have a right to continuation of an interim eligibility placement pending the outcome of an appeal of a denial of shelter following an interim eligibility placement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Advancing Year Round Access to Shelter Policy and Prevention of Homelessness Amendment Act of 2015”.

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:

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

2 (1) Add a new subsection (13A) to read as follows:

3 “(13A) “District of Columbia General Family Shelter replacement units” means
4 those private rooms developed for the purpose of closing the District of Columbia
5 General Family Shelter with funds appropriated in the Fiscal Year 2016 Budget Request
6 Act of 2015, signed by the Mayor on July 9, 2015 (D.C. Act 21-99; 62 DCR 9658), as
7 amended, and all future funds appropriated for the purposes of closing the District of
8 Columbia General Family Shelter”.”

9 (2) Designate the existing subsection (25A) as subsection (25B).

10 (3) Add a new subsection (25A) to read as follows:

11 “(25A) “Interim eligibility placement” means a 3 day eligibility placement for
12 families, that may be extended up to 3 times, for the purpose of conducting a more in depth
13 assessment to facilitate an eligibility determination for shelter and provide families with
14 appropriate services.”.

15 (b) Section 7(d) (D.C. Official Code § 4-753.01(d)) is amended to read as follows:

16 “(d) (1) When the Mayor places families in shelter, the Mayor shall place them in
17 apartment-style shelters or District of Columbia General Family Shelter (DCG) replacement
18 units.

19 (2) If apartment-style shelters or DCG replacement units are not available, the Mayor is
20 authorized to place families in private rooms.

21 (3) For the purpose of closing DCG, and replacing its units, the Mayor:

22 (A) is authorized to use private rooms to replace the DGC units; and

23 (B) shall maintain within the District’s inventory apartment-style shelters.

1 (4) If eligibility for a family seeking shelter cannot be determined within the business day
2 in which the family applied for shelter, the Mayor may provide the family with an interim
3 eligibility placement.

4 (a) If a family determined ineligible for shelter is participating in prevention or diversion
5 services, and has a change in circumstances that their provider can attest would make them
6 eligible for shelter, the Mayor may find the family eligible for shelter without requiring a new
7 shelter application.

8 (b) Once an eligibility determination is made for an application for shelter following an
9 interim eligibility placement, the interim eligibility placement shall be concluded.

10 (c) Families who are denied an application for shelter following an interim eligibility
11 placement may request an Administrative Review pursuant to section _____ (D.C. Official Code
12 §4-754.42(b-1)).

13 (5) This subsection shall be applicable to all forms of shelter provided to families.”.

14 (c) Section 9(a) (D.C. Official Code § 4-754.11(a)) is amended as follows:

15 (1) Paragraph (18) is amended by striking the phrase “; and” and inserting “;” in
16 its place.

17 (2) Designate the existing paragraph 19 as paragraph 20.

18 (3) Add new paragraph 19 to read as follows:

19 “(19) Continuation of a family’s interim eligibility placement, pending the
20 outcome of an appeal requested pursuant to section _____ (D. C. Official Code § 4-754.42(b-1)),
21 if the family requests an appeal within 48 hours of receipt of written notice of a denial of an
22 application for shelter following an interim eligibility placement; and”.

23 (d) Section 26(a) (D.C. Official Code § 4-754.41(a)) is amended as follows:

1 (1) Designating the existing subsection (a) as (a)(1).

2 (2) Adding a new subsection (a)(2) to read as follows:

3 (a)(2) Except as required by subsection (a)(1), the Office of Administrative Hearings
4 shall grant a fair hearing to any client or client representative who wishes to appeal an
5 administrative review decision pursuant to section 26(b)(1) (D.C. Official Code §4-754.41(b)(1))
6 and section ____ (D.C. Official Code § 4-754.42(b-2)), and who requests such a hearing, orally
7 or in writing, within 15 days of the Administrative Review Officer issuing the administrative
8 review decision pursuant to section ____ (D.C. Official Code § 4-754.42(b-1)). A request for a
9 fair hearing shall be made to the client's provider, the Department, the Mayor, or the Mayor's
10 designee. If the request is made orally, the individual receiving the request shall promptly
11 acknowledge the request, reduce it to writing, and file the request for a fair hearing with the
12 Office of Administrative Hearings”.

13 (e) Section 26(f) (D.C. Official Code §4-754.41(f)) is amended as follows:

14 (1) Subsection (f)(2) is amended by replacing the phrase “; and” with “;”.

15 (2) Subsection (f)(3) is amended by striking the phrase, “In accordance with the
16 following additional requirements,” and inserting “Except as required by subsection (f)(4), in
17 accordance with the following additional requirements.”.

18 (3) Subsection (f)(3)(C) is amended by striking “.” and inserting “; and”.

19 (3) A new subsection (f)(4) is added to read as follows:

20 “(f) (4) For fair hearings filed with the Office of Administrative Hearings pursuant to
21 subsection (a)(2) , the following additional requirements shall apply:

22 (A) The hearing shall be held after the completion of an administrative review conducted
23 in accordance with section ____ (D.C. Official Code § 4-754.42(b-1)), and shall be conducted

1 within an expedited timeframe, which shall not exceed 4 days following the initial request for a
2 fair hearing;

3 (B) If a party fails to appear, the Administrative Law Judge designated to conduct the
4 hearing may enter a default decision in favor of the party present. The default may be set aside
5 only for good cause shown, and upon equitable terms and conditions; and

6 (C) The Administrative Law Judge shall issue a final decision within 48 hours of the
7 completion of the hearing”.”

8 (f) Section 27 (D.C. Official Code § 4-754.42) is amended as follows:

9 (1) Subsection (a) is amended to read as follows:

10 “(a) The purpose of the administrative review shall be to enable the Department to
11 ascertain the legal validity of the decision that is the subject of the fair hearing request pursuant
12 to section 26 (D.C. Official Code § 4-754.41) or the denial of a family’s application for shelter
13 following an interim eligibility placement pursuant to section 7(d)(4)(C) (§ 4-753.01(d)(4)(C)),
14 and, if possible, achieve an informal resolution of the appeal”.”

15 (2) Subsection (b) is amended by striking the term, “Any,” and inserting the
16 phrase, “Except as required by (b-1), any” in its place.

17 (3) New subsections (b-1),(b-2), and (b-3) are added to read as follows:

18 “(b-1) An administrative review of a denial of application for shelter following an interim
19 eligibility placement, conducted pursuant to subsection (a) of this section, shall be completed and
20 a decision rendered within 4 business days of receipt of the administrative review request, except
21 upon a showing of good cause as to why such deadline cannot be met. If good cause is shown, a
22 decision shall be rendered as soon as possible thereafter. If an extension of time for review is

1 required for good cause, written notice of the extension shall be provided to the client or client
2 representative prior to the commencement of the extension.”.

3 “(b-2) In accordance with section 9(a)(19) (D.C. Official Code § 4-754.11(a)(19)), any
4 family who requests an administrative review of a denial of application for shelter following an
5 interim eligibility placement within 48 hours of the denial of shelter shall continue to receive an
6 interim eligibility placement pending the outcome of the administrative review proceeding.”.

7 “(b-3) If a family who was denied an application for shelter following an interim
8 eligibility placement is not satisfied with the administrative review decision, the family may
9 within 15 days, request a fair hearing, to review the administrative review decision pursuant to
10 section 26(b)(1) (D.C. Official Code § 4-754.41(b)(1)).”.

11 (4) Subsection (d)(2)(D)(v) is amended to read as follows:

12 “(v) A statement that if the client is not satisfied with the administrative
13 review decision, a fair hearing pursuant to § 4-754.41 shall be held, or if the administrative
14 review was conducted pursuant to § 4-754.42(b-1), the client may, within 15 days, request a fair
15 hearing pursuant to section 26(b)(1) (D.C. Official Code § 4-754.41(b)(1)).”.

16 Sec. 3. Fiscal impact statement.

17 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
18 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
19 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-602(c)(3)).

20 Sec. 4. Effective date.

21 This act shall take effect following approval by the Mayor (or in the event of veto by the
22 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
23 provided in section 602 (c)(1) of the District of Columbia Home Rule Act, approved December

1 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of
2 Columbia Register.

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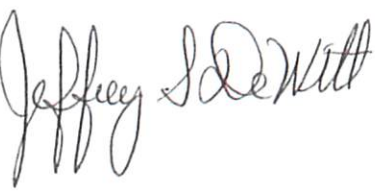
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

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

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: September 16, 2015

SUBJECT: Fiscal Impact Statement – Year Round Access to Shelter and Prevention of Homelessness Amendment Act of 2015

REFERENCE: Draft Bill shared with the Office of Revenue Analysis on September 2, 2015

Conclusion

Funds are sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the bill.

Background

This legislation allows¹ the Department of Human Services (DHS) to temporarily house a family seeking emergency shelter when DHS needs more than one business day to determine whether the family is eligible for emergency shelter. This temporary placement (which DHS calls an interim eligibility placement) will be for three days, but DHS can extend the placement up to three times, for a total of twelve days. If DHS determines a family is not eligible for emergency shelter, the legislation allows the family to appeal the decision.

This legislation is part of a larger policy change by the Mayor regarding the way the District shelters homeless families. The District used to admit families into emergency shelters only during severe weather,² as the law requires it to³, but now the District will start admitting families into emergency

¹ By amending 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.*)

² Whenever the actual or forecasted temperature, including the wind chill factor, falls below 32 degrees Fahrenheit, or whenever the actual or forecasted temperature or heat index rises above 95 degrees Fahrenheit.

³ 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.*)

The Honorable Phil Mendelson

FIS: "Year Round Access to Shelter and Prevention of Homelessness Amendment Act of 2015," Draft Bill shared with the Office of Revenue Analysis on September 2, 2015

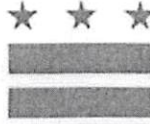
shelters year round, regardless of weather conditions. This legislation is part of the system DHS is setting up to determine eligibility for emergency shelter year round.

Financial Plan Impact

Funds are sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the bill.

Temporarily placing families in shelter for three to twelve days while DHS determines a family's eligibility will not cause the agency to house more families in emergency shelters than in previous years. If anything, it will reduce the number of families in emergency shelter at any given time, since in previous years the agency would admit a family into emergency shelter before determining the family's eligibility, and there were no official time limits on lengths of stay. The bill has no fiscal impact since it will not increase the number of families in emergency shelter.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



OFFICE OF THE
SECRETARY
2015 SEP 18 PM 5:16

Legal Counsel Division

MEMORANDUM

TO: Lolita S. Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: September 18, 2015

SUBJECT: Legal Sufficiency Review of Draft Bill, the "Advancing Year Round Access to Shelter Policy and Prevention of Homelessness Amendment Act of 2015"
(AE-15-567 C)

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

A handwritten signature in cursive script, appearing to read "Janet M. Robins", is written over a horizontal line.

Janet M. Robins