

COUNCIL OF THE DISTRICT OF COLUMBIA

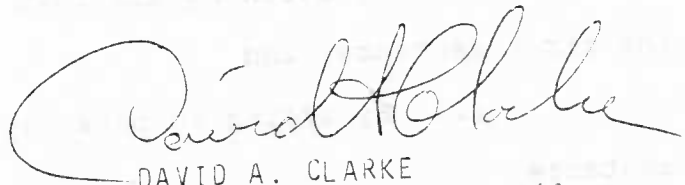
NOTICE

D.C. LAW 5-150

"District of Columbia Public Assistance Act of 1982 Temporary Amendments Act of 1984".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-530 on first and second readings, October 23, 1984 and November 7, 1984, respectively. Following the signature of the Mayor on November 29, 1984, this legislation was assigned Act No. 5-214, published in the December 21, 1984 edition of the D.C. Register, (Vol. 31 page 6425) and transmitted to Congress January 8, 1985 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-150, effective March 14, 1985.



DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	22,23,24,25,28,29,30,31
February	1,4,5,6,7,19,20,21,22,25,26,27,28
March	1,4,5,6,7,8,11,12,13

D.C. LAW 5 - 150

AN ACT

EFFECTIVE  
DATE MAR 14 1985D.C. ACT 5 - 214

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOV 29 1984

To amend, on a temporary basis, the District of Columbia Public Assistance Act of 1982 to conform the District's Aid to Families with Dependent Children Program to the requirements of the Deficit Reduction Act of 1984 and federal regulations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
That this act may be cited as the "District of Columbia Public Assistance Act of 1982 Temporary Amendments Act of 1984".

Sec. 2. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-201.1 et seq.), is amended as follows:

(a) Section 505 (D.C. Code, sec. 3-205.5) is amended as follows:

D.C. Code, se  
3-205.5  
(1985 supp.)

(1) By striking all text in paragraph (1) after the first sentence; and

(2) By adding in paragraph (1) after the first sentence:

"In the case of an applicant or recipient of AFDC, the term 'earned income' shall include the amount of earned income credit (EIC) payments actually received.";

(b) Section 510 (D.C. Code, sec. 3-205.10) is amended as follows:

D.C. Code, se  
3-205.10  
(1985 supp.)

(1) By striking the phrase "exceeds 150% of" in subsection (a) and inserting in its place the phrase "exceeds 185% of; and

(2) By striking the phrase "is 150% or" in subsection (b) and inserting in its place the phrase "is 185% or";

(c) Section 511 (D.C. Code, sec. 3-205.11) is amended as follows:

D.C. Code, sec.  
3-205.11  
(1985 supp.)  
Note, D.C. Code  
sec. 3-205.22  
(1985 supp.)

(1) By striking the phrase "(\$60 if the individual has worked less than 120 hours in the month)" from paragraph (1) of this section;

(2) By adding the word "gross" between the words "total" and "earned" in the first sentence of paragraph (1) of this section;

(3) By adding the word "gross" before the phrase "earned income total" in the second sentence of paragraph (1) of this section;

(4) By adding the word "gross" before the words "earned income" in paragraph (4) of this section;

(5) By adding the word "gross" before the words "earned income" in the first sentence of paragraph (5) of this section;

(6) By striking, in paragraph (5), all text after the first sentence, and adding the following in its place:

"After the \$30 plus one-third disregard has been applied to a recipient's gross earned income for 4 consecutive months (any month for which the unit loses this disregard because of a provision in paragraph (6) of this

section shall be considered as one of those months), a \$30 disregard shall be applied for a period of 8 additional consecutive calendar months. This 8 month period begins with the month following the fourth consecutive month in which the \$30 plus one-third disregard was applied, and ends with the eighth consecutive month regardless of whether the \$30 disregard is actually applied. Thereafter, the disregards are not available until 12 consecutive months have passed during which the person did not receive AFDC. The resulting income figure is considered in determining the grant to the assistance unit. The \$30 disregard for the 8 month period applies only to an AFDC recipient who has not already received the \$30 plus one-third disregard for 4 consecutive months prior to October 1, 1984 (unless he or she has been ineligible for AFDC for 12 consecutive months). The District of Columbia exercises the option provided by section 402(a)(37) of the Social Security Act, approved July 18, 1984 (98 Stat. 1132; 42 U.S.C., sec. 602(a)(37)), to extend Medicaid coverage for an additional period of 6 months if the family would be eligible for AFDC if the \$30 plus one-third or the \$30 disregards were applied to the assistance unit's earned income.";

(7) By adding the word "gross" before the words "earned income" in paragraph (6) of this section;

(8) By adding a new paragraph (7):

"(7) Disregard the first \$50 received by the assistance unit that represents a current monthly support obligation or a voluntary support payment from an absent

parent or spouse.";

(9) By adding the designation "(b)" before the phrase "In determining"; and

(10) By adding the following as new subsection (a):

"(a) The income and/or assets of a parent living in the same household as a dependent child, but not included in the assistance unit because the parent is not eligible for AFDC, shall be considered available to the assistance unit, except that the disregards in paragraphs (b)(1) and (2) of this section shall apply. The income of a stepparent shall be considered available to the assistance unit as provided in section 522 (D.C. Code, sec. 3-205.22). The income of a parent or legal guardian living in the same household as a minor parent under 21 years of age shall be considered available to the same extent as a stepparent in section 522 (D.C. Code, sec. 3-205.22).

(d) Section 515 (D.C. Code, sec. 3-205.15) is amended as follows:

D.C. Code, sec.  
3-205.15  
(1985 supp.)

(1) By adding the phrase "age 18 and over" between the words "individuals" and "who" in the first sentence;

(2) By striking paragraph (1) and redesignating paragraph "(2)" as paragraph "(1)" and redesignating paragraph "(3)" as paragraph "(2)";

(3) By redesignating subsection "(a)" as subsection "(b)"; and

(4) By adding a new subsection (a) to read as

follows:

"(a) An assistance unit is composed of each person whose needs, income, and assets are combined in determining eligibility for AFDC and the amount of assistance payable. The composition of an AFDC assistance unit shall be determined as follows:

"(1) All blood-related and adopted siblings under age 18 (or age 18 and expected to complete high school before reaching age 19) who live in the same household and who meet each non-financial eligibility requirement shall be included in the assistance unit. If an application is made on behalf of a step-sibling living in the same household, the step-sibling shall be included in the same assistance unit as the other blood-related and adopted siblings. If no application is made on behalf of the step-sibling, the step-sibling need not be included in the assistance unit.

"(2) The parent living in the same household as the dependent child shall be included in the assistance unit if the parent meets each nonfinancial eligibility requirement.

"(3) If application is made for any individual eligible under paragraph (b)(2) of this section, that individual shall be included in the same assistance unit as his or her parent and/or siblings. However, if that individual is the parent of, and living with an eligible child, that individual shall be considered a caretaker relative of a separate assistance unit.

"(4) The following other persons may be included

in the assistance unit provided he or she requests to be included, meets each eligibility requirement, and lives in the same household as the dependent child:

"(A) A caretaker relative other than a parent; or

"(B) An essential person defined only as either:

"(i) The incapacitated spouse of the parent; or

"(ii) A person necessary for the maintenance of the household.";

(e) Section 525 (D.C. Code, sec. 3-205.25) is amended to read as follows:

D.C. Code, sec 3-205.25 (1985 supp.)

"In AFDC all factors of eligibility shall be determined prospectively, and the amount of monthly assistance payments shall be determined using the retrospective budgeting method except that the first 2 monthly payments will be determined prospectively if the applicant was not on assistance in the month prior to application.";

(f) Section 533 (D.C. Code, sec. 3-205.33) is amended by adding a new paragraph (3) to subsection (b) to read as follows:

D.C. Code, sec 3-205.33 (1985 supp.)

"(3) The period of ineligibility described in paragraph (2) of this subsection shall be shortened if: (A) an applicant reapplies and it is determined that the standards of assistance are increased and the amount the assistance unit would have received also changes; (B) the

lump sum payment or a portion of it has become unavailable to the assistance unit for a reason beyond the control of the assistance unit; or (C) a member of the assistance unit incurred and paid for medical expenses in a month during the period of ineligibility caused by receipt of a lump sum payment. The Mayor shall establish guidelines for determining when the circumstances of an assistance unit fall within the purview of this paragraph.";

(g) Section 554 (D.C. Code, sec. 3-205.54) is amended as follows:

D.C. Code, se  
3-205.54  
(1985 supp.)

(1) By adding the following language between the words "unit" and "shall" in subsection (a) of this section:

"whose members have earned income or recent work history and each assistance unit that has income deemed to it from individuals living with the unit who have earned income or a recent work history.";

(2) By adding the words "federally mandated" between the words "exempt" and "categories" in subsection (f) of this section; and

(3) By adding the following language as a second sentence to subsection (f) of this section:

"The Mayor may require monthly reporting from additional categories of recipients that meet error-prone criteria as defined by the Mayor."; and

(h) Section 1705 (D.C. Code, sec. 3-217.5) is amended as follows:

D.C. Code, se  
3-217.5  
(1985 supp.)

(1) By adding the designation "(a)" before the phrase "The Mayor, in determining";



(2) By striking the third sentence in paragraph (2) of this subsection; and

(3) By adding a new subsection (b) to read as follows:

"(b) The following shall not be considered resources for the purposes of determining the resources of applicants or recipients of AFDC under paragraph (a)(2) of this section:

"(1) The value of a home which is the usual residence of the assistance unit.

"(2) The equity value of 1 car (up to a total of \$1,500).

"(3) The value of 1 burial plot for each member of the assistance unit. The Mayor shall define the term 'burial plot' for the purpose of this exclusion.

"(4) The equity value of bona fide funeral agreements, up to a total of \$1,500 per person, for each member of the assistance unit.

"(5) Real property, for a period of 9 months, that the assistance unit is making a good faith effort to sell if the family agrees to sign an agreement to dispose of the property and to use the proceeds of the sale to repay any AFDC benefits it would not have received if the property had been sold at the beginning of the period. The family will not have to repay an amount greater than the net proceeds from the sale. If there are any remaining proceeds, these proceeds will be considered a resource. If the property has not been sold within the specified time