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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 9-27

"Public Assistance Act of 1982 Budget
Conformity Amendment of 1991".

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. 9-159 on first and second readings, June 4, 1991, and June 18, 1991, respectively. Following the signature of the Mayor on July 2, 1991, this legislation was assigned Act No. 9-54, published in the July 12, 1991, edition of the D.C. Register, (Vol. 38 page 4205) and transmitted to Congress on July 9, 1991 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 this legislation became effective on the date that the President of the United States signed P. L. 102-105* on August 17, 1991, and therefore, cites this enactment as D.C. Law 9-27, effective August 17, 1991.

JOHN A. WILSON
Chairman of the Council

* Public Law 102-105 waived the 30-day Congressional Review Period for this Law.

Enrolled Original

Codification
District of Columbia Code
(1992 Supplement)

AN ACT

D.C. ACT 9-54

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 2, 1991

To amend the District of Columbia Public Assistance Act of 1982 by clarifying the statutory authority for the General Assistance for Children program, to suspend the consumer price indexing of public assistance payments through 1993; to restrict eligibility for General Public Assistance to those who are disabled; to amend the Emergency Assistance Services Program Act of 1988 to limit eligibility to individuals 60 years of age or older, and families with children; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991".

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

(a) Section 101 (D.C. Code §3-201.1) is amended by adding the following new subsection 3a to read as follows: Section 3-201.1

"(3a) "GAC" means the General Assistance for Children program established by section 505a of this Act."

(b) Section 201 (D.C. Code §3-202.1) is amended to read as follows: Section 3-202.1
"Sec. 201. The following categories of public assistance are established:

- (1) Aid to Families with Dependent Children;
- (2) General Assistance for Children;
- (3) General Public Assistance; and
- (4) Emergency Shelter Family Services."

(c) Section 502 (D.C. Code §3-205.2) is amended to read as follows: Section 3-205.2
"The Mayor in determining eligibility for a person to receive AFDC, GAC, GPA, and Emergency Shelter Family Services benefits shall not impose, as condition of eligibility, any residence requirement which excludes any individual who resides in the District."

(d) A new section 505a is added to read as follows:

"Sec. 505a. General Assistance for Children program.

"(a) A General Assistance for Children program is established to provide the same benefits for a child as the child would receive under AFDC if the child had a family relationship with a caretaker that is required in the AFDC program.

New
Section
3-205.5a

"(b) In order to be eligible for GAC assistance benefits an applicant must pursue all available federal benefits prior to approval of GAC benefits.

"(c) The following provisions of this act shall apply to determinations of eligibility for and payments of GAC, except that the income and assets of the caretaker shall not be included unless the caretaker requests inclusion in the assistance unit as an essential person for which the income and assets of the caretaker shall be considered as specified in section 510 of this act (D.C. Code §3-205.10): section 505 (D.C. Code §3-205.5); section 510 (D.C. Code §3-205.10); section 511 (D.C. Code §3-205.11); 513 (D.C. Code §3-205.13); section 515 (D.C. Code §3-205.15); section 516 (D.C. Code §3-205.16); section 517 (D.C. Code §3-205.17); section 518 (D.C. Code §3-205.18); section 519 (D.C. Code §3-205.19); section 520 (D.C. Code §3-205.20); section 521 (D.C. Code §3-205.21); section 522 (D.C. Code §3-205.22); section 523 (D.C. Code §3-205.23); section 524 (D.C. Code §3-205.24); section 525 (D.C. Code §3-205.25); section 526 (D.C. Code §3-205.26); section 527 (D.C. Code § 3-205.27) section 529 (D.C. Code §3-205.29); section 530 (D.C. Code §3-205.30); section 531 (D.C. Code §3-205.31); section 533(b) (D.C. Code §3-205.33 (b)); section 536 (D.C. Code §3-205.36); section 537 (D.C. Code §3-205.37); section 538 (D.C. Code §3-205.38); section 539 (D.C. Code §3-205.39); section 540 (D.C. Code §3-205.40); section 544 (D.C. Code §3-205.44), section 550 (D.C. Code §3-205.50), section 551 (D.C. Code §3-205.51), and section 552 (D.C. Code §3-205.52).

"(d) The first \$50.00 of current child support received on behalf of a GAC program child shall be disregarded.

"(e) The earnings of a GAC program child who is a full-time student and who is employed full-time or part-time, or who is a part-time student and who is employed part-time, shall be disregarded.

"(f) The following amounts shall be disregarded from the gross monthly earnings of a GAC program child who is a part-time student and employed full-time: the first \$7.50, mandatory payroll deductions, and the cost of producing income, as determined by rule by the Mayor.

"(g) If the source of income is other than that provided for in subsection (d), (e), or (f), no more than \$7.50 shall be disregarded.

"(h) The Mayor shall issue rules to implement this section in accordance with title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code §1-1501 *et seq.*)."

(e) Section 542 (D.C. Code §3-205.42) is amended as follows:

(1) By repealing subsection (a)(2);

(2) By striking the phrase "or GPA programs" and inserting the word "program" in its place; and

(3) By amending subsection (b) to read as follows:

"(b) Disability. An individual shall be deemed to be disabled if the individual is determined by the Mayor to be disabled based upon the criteria for the supplemental security income program established pursuant to the Social Security Amendments Act of 1972, approved October 30, 1972 (86 Stat. 1465; 42 U.S.C. 1381), for the purposes of establishing eligibility for the GPA program."

(f) A new section 542a is added to read as follows:

"Sec. 542a. Eligibility for General Public Assistance.

Section
3-205.42

New
Section
3-205.42a

"(a) Except as provided in subsection (b) of this section, beginning July 1, 1991, an individual shall be eligible for GPA benefits only if the individual has a disability as defined in section 542(b) of this act.

"(b) An individual who is receiving GPA benefits on June 30, 1991, may continue to receive GPA benefits until the expiration of the individual's certification period. Benefits beyond the expiration of the certification period shall not be paid to an individual unless the GPA recipient reapplies for benefits and is determined to have a disability as defined in section 542(b) of this act."

(g) Section 552 (D.C. Code §3-205.52) is amended as follows:

Section
3-205.52

(1) By amending subsection (c) to read as follows:

"(c) The standards of assistance are set forth in the following table and include basic costs of food, clothing, shelter, household and personal items, and certain transportation costs, and life insurance when paid by the Mayor:

STANDARDS OF ASSISTANCE

Family Size	Standard of Assistance	Payment Level
1	\$ 450.00	258.00
2	560.00	321.00
3	712.00	409.00
4	870.00	499.00
5	1,002.00	575.00
6	1,178.00	676.00
7	1,352.00	776.00
8	1,494.00	858.00
9	1,642.00	943.00
10	1,786.00	1,025.00
11	1,884.00	1,081.00
12	2,024.00	1,162.00
13	2,116.00	1,215.00
14	2,232.00	1,281.00
15	2,316.00	1,329.00
16	2,432.00	1,396.00
17	2,668.00	1,531.00
18	2,730.00	1,567.00
19	2,786.00	1,599.00"; and

(2) By amending subsection (d) to read as follows:

"(d) The table set forth in subsection (c) of this section shall apply to payments made beginning July 1, 1991. On or before January 31st of each year, beginning with January 31, 1993, the Mayor shall calculate and submit to the Council a determination of the percentage increase, during the preceding calendar year, in the consumer price index for urban consumers for all items, as published by the United States Department of Labor ("Consumer Price Index"). The level of public assistance payments for assistance units set forth in subsection (c) of this section shall be increased annually as of October 1st of each year, beginning with October 1, 1993, by an amount equal to the percentage increase, if any, in the consumer price increase as determined by the Mayor. The Mayor shall publish notice of this annual increase in public

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assistance payments in the D.C. Register within 30 days of the increase. The increase in public assistance payments provided by this subsection shall be in addition to any other increase in public assistance payments otherwise provided by law. Except with respect to AFDC families with no earned income who have entered into and are residing temporarily in a shelter for homeless families pursuant to Chapter 6 of this title, the Mayor shall adjust the payment level for families in emergency shelters to take into consideration the reasonable costs of shelter being provided by the District [pursuant to section 2(e) of the Emergency Shelter Services for Families Reform Amendment Act of 1987, effective March 11, 1988 (D.C. Law 7-86; D.C. Code §3-206.3(e))]."

(h) Section 553 (D.C. Code §3-205.53) is amended as follows:

Section
3-205.53

(1) By amending subsection (b) to read as follows:

"(b) The period of payment of public assistance grants under the General Public Assistance Program shall be limited to such period as may be determined by the Mayor. No payment shall be made to any applicant or recipient of GPA for a period in excess of 12 months for the same disability unless the grant is reviewed as the result of a re-application by the applicant or recipient, as provided in subsection (c) of this section.";

(2) By amending subsection (c) as follows:

(A) By striking the word "incapacity" in the first sentence and inserting the word "disability" in its place;

(B) By inserting the phrase "and submits a new medical report" after the phrase "continuation of assistance" in the third sentence; and

(C) By adding a new sentence at the end to read as follows:

"Benefits shall not be continued beyond the effective date of termination if the sole basis for the individual's appeal of the termination is the failure to meet the disability standard defined in section 542 (D.C. Code §3-205.42)."; and

(3) By amending subsection (d) to read as follows:

"(d) For purposes of this section, GPA covers adult individuals and adult couples without children who:

(1) Are between the age of 18 to 64 years;

(2) Are not eligible for AFDC;

(3) Have been determined to be disabled by the Mayor; and

(4) Have applied for Supplemental Security Income ("SSI") benefits at the time an application for GPA benefits is filed."

(i) Section 801(a) (D.C. Code §3-208.1(a)) is amended by inserting the phrase "or GAC" after the word "GPA" wherever it appears.

Section
3-208.1

(j) Section 1002(c) (D.C. Code §3-210.2(c)) is amended by inserting the phrase, "GPA or GAC" after the word "AFDC".

Section
3-210.2

(k) Section 1006 (D.C. Code §3-210.6) is amended to read as follows:

Section
3-210.6

"When the hearing involves medical issues, the medical assessment of the claimant's condition must be made by a medical authority other than the person who made the original medical determination if the hearing officer or the claimant considers an additional examination necessary. The additional medical assessment shall be limited to one assessment which shall be obtained at agency expense and, when requested by the claimant, shall be obtained from a medical source satisfactory to the claimant."

Enrolled Original

(1) Section 1801(b) (D.C. Code §3-218.1(b)) is amended as follows: Section 3-218.1
 (1) By inserting the phrase "for any reason" after the phrase "Any person who"; and
 (2) By adding a new sentence at the end to read as follows:
"Computation of the amount to be recovered each month from a GPA recipient shall be in accordance with 45 CFR 233.20(a)(13)."

Sec. 3. The Emergency Assistance Program Act of 1988, effective March 16, 1989 (D.C. Law 7-221; D.C. Code §3-1001 *et seq.*), is amended as follows:

(a) Section 4(a) (D.C. Code §3-1003(a)) is amended to read as follows: Section 3-1003

"(a) Emergency assistance may be provided to a single individual aged 60 years or over, a childless couple if one of the couple is at least 60 years old, a family with children in accordance with section 6, or an applicant with children who are in the applicant's legal custody, if all conditions for the receipt of emergency assistance imposed by this act are met, except as provided in sections 30 and 31."

(b) Section 6 (D.C. Code §3-1005) is amended by adding 2 new subsections to read as follows: Section 3-1005

"(d) For purposes of eligibility under this act and inclusion in an applicant unit, a "child" is a person under the age of 21 years.

"(e) A child may apply for assistance under this act only as a part of a family applicant unit, unless the child is an emancipated minor who is applying for benefits on behalf of himself or herself and his or her dependent child, or is a dependent child and is a part of an eligible applicant unit."


(c) Section 11(4) (D.C. Code §3-1010(4)) is amended to read as follows: Section 3-1010


"(4) The income of an SSI recipient who is under the age of 21 years or who is 60 years of age or older, if the SSI recipient qualifies as an applicant."

Sec. 4. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code §1-233(c)(1)), and publication in either the District of Columbia Register, the District of

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Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: July 2, 1991



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B9-159

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 06-04-91

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 4 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council (Signature)

Date: June 21, 1991

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 06-18-91

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 4 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council (Signature)

Date: June 21, 1991

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 4 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date