

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 4-101

"District of Columbia Public Assistance Act of 1982".

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. 4-369 on first and second readings, January 12, 1982 and January 26, 1982, respectively. Following the signature of the Mayor on February 22, 1982, this legislation was assigned Act No. 4-159, published in the March 12, 1982 edition of the D.C. Register, (Vol. 29 page 1060) and transmitted to Congress on February 23, 1982 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 4-101, effective April 6, 1982.


ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

February	23,24,25,26
March	1,2,3,4,5,8,9,10,11,12,15,16,17,18,19,22,23,24,25, 26,29,30,31
April	1,2,5

AN ACT

4-159

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To reenact, without substantive changes, the District of Columbia Public Assistance Act of 1962 and regulations of the City Council of the District of Columbia affecting public assistance programs; to increase standards of assistance for recipients of Aid to Families with Dependent Children; to conform existing laws with the public laws of the District of Columbia enacted to conform with the Omnibus Budget Reconciliation Act of 1981; and for other purposes.

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".

TITLE I - DEFINITIONS

CODIFICATION

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "AFDC" means the Aid to Families with Dependent Children established by title II.

(2) "Council" means the Council of the District of Columbia.

(3) "District" means the District of Columbia government.

(4) "GPA" means the General Public Assistance program established by title II.

(5) "Mayor" means the Mayor of the District of Columbia or the agents, agencies, officers, and employees designated by him or her to perform any function vested in them by this act.

(6) "Public assistance" means payment in or by money, medical care, remedial care, goods or services to, or for the benefit of, needy persons.

(7) "Recipient" means a person to whom or on whose behalf public assistance is granted.

(8) "State" means each of the states of the United States. The term "state" includes Puerto Rico, Guam, and the United States Virgin Islands.

NEW D.C. Code
Title 3,
chapter 2
(1981 ed.)

D.C. Code,
§3-201.1

All D.C. Code
citations are
to the 1981 ed.

TITLE II - ESTABLISHMENT OF PUBLIC ASSISTANCE PROGRAMS AND GENERAL AUTHORITY FOR ADMINISTRATION OF THE ACT

Sec. 201. Public assistance categories.

The following categories of public assistance are established:

- (1) Old Age Assistance;
- (2) Aid to the Blind;
- (3) Aid to the Disabled;
- (4) Aid to Dependent Children; and
- (5) General Public Assistance.

D.C. Code
§3-202.1

Sec. 202. Mayor's administrative duties.

(a) In accordance with rules adopted by the Council, pursuant to section 204, the Mayor shall administer this act.

D.C. Code
§3-202.2

(b) The Mayor shall:

(1) Provide for maximum cooperation with other agencies rendering services to maintain and strengthen family life and to help applicants for public assistance and recipients to attain self-support or self-care;

(2) Cooperate in all necessary respects with agencies of the United States government in the administration of this act, and accept any funds, goods, or services payable to the District for public assistance and for administering public assistance; and

(3) Enter into reciprocal agreements with any state relative to the provision of public assistance to residents and nonresidents.

Sec. 203. Mayor's authority to delegate functions.

The Mayor may delegate and subdelegate any function vested in him or her by this act to any agency, officer, or employee of the District.

D.C. Code
§3-202.3

Sec. 204. Council's authority to adopt rules.

The Council shall adopt rules by act for the implementation of this act.

D.C. Code
§3-202.4

TITLE III - CRISIS MANAGEMENT OF CHILDREN

Sec. 301. Definitions.

For the purposes of this title, the term:

(1) "Child" means any child who comes within the purview of the Department of Human Resources either because such child is neglected as defined in D.C. Code, sec. 16-2301(9) or whose custody has been voluntarily surrendered by the parent or guardian to the Mayor.

D.C. Code
§3-203.1

(2) "Crisis facility" shall mean any community-based residential type housing for dependent and neglected children.

(3) "Private institution" means any privately owned or operated institution that provides care and maintenance for neglected or dependent children, or both, on a contractual basis with the Mayor.

(4) "Public institution" shall mean Junior Village or any successor institution designed and used for such purpose.

Sec. 302. Child care plan.

No child 6 years of age or younger shall be assigned by the Department to any public institution, except that any such child who requires medical treatment may be assigned to a hospital or other medical facility for such treatment: PROVIDED, That medical treatment shall not be construed to include

D.C. Code
§3-203.2

emotional disorders of less than an acute nature. In furtherance thereof, the Mayor shall develop an overall plan of child care and emergency child care so as to eliminate the necessity of a public institution for the care of such children other than for medical reasons. No child shall remain in any crisis facility for longer than 15 days.

Sec. 303. Child medical care.

No child 6 years of age or younger shall be maintained by the Mayor in any public institution except for medical treatment.

D.C. Code
§3-203.3

Sec. 304. Assignment of children to public institutions.

The Mayor shall not assign any child regardless of age to any public institution except that any such child who requires medical treatment may be assigned to a hospital or other medical facility for such treatment or unless ordered to such rehabilitative institution as a court of competent jurisdiction may direct.

D.C. Code
§3-203.4

TITLE IV - OLD AGE ASSISTANCE; AID TO THE BLIND; AID TO THE DISABLED; AND MEDICAID PROGRAM ADMINISTRATION

Sec. 401. Disregard provision.

The Mayor, in determining the need for Old Age Assistance, Aid to the Permanently and Totally Disabled, Aid to the Blind, and GPA, shall disregard \$7.50 per month of income from any source of persons applying for or receiving such aid.

D.C. Code
§3-204.1

Sec. 402. Determination of need.

The Mayor, in determining the need for Old Age Assistance, and Aid to the Permanently and Totally Disabled applicants or recipients, shall disregard \$85 and one-half of the excess over \$85 of the first \$150 paid to beneficiaries under titles I and II of the Economic Opportunity Act of 1964, approved August 20, 1964 (78 Stat. 508; 42 U.S.C. sec. 2701 et seq.) for a period not to exceed 12 months. Any amount in excess of the disregarded amounts must be considered as a resource to the assistance unit to the extent that it is actually available to the unit. Any payment made to a spouse or parent is assumed to be available for family support.

D.C. Code
§3-204.2

Sec. 403. Responsibility of responsible relatives.

The Mayor, in determining the ability of legally responsible relatives to contribute to adult public assistance recipients, shall apply the policy in section 402 in determining net income when the income is from payments or allowances received from programs under titles I or II of the Economic Opportunity Act of 1964, approved August 20, 1964 (78 Stat. 508; 42 U.S.C. sec. 2701 et seq.).

D.C. Code
§3-204.3

Sec. 404. Training incentive payment disregard.

D.C. Code
§3-204.4

In determining the need of adult recipients who have enrolled in a training program under the Manpower Development and Training Act, the Mayor shall disregard the amount of the training incentive payment up to \$20 a week and an expense allowance up to \$10 a week.

Sec. 405. Medicaid plan.

The District state plan required under title XIX of the Social Security Amendments of 1965, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. sec. 1396 et seq.) shall provide that all persons in the following categories are eligible for full Medicaid benefits:

D.C. Code
§3-204.5

- (1) All persons receiving Supplemental Security Income benefits;
- (2) All persons categorically related to the Supplemental Security Income ("SSI") program (that is, aged, blind, or permanently disabled) and receiving benefits under the Old Age and Survivors Disability Insurance ("OASDI") program and who were eligible for SSI benefits (but for OASDI) cost-of-living increases received since April, 1977; and
- (3) All persons categorically related to the SSI program (that is, aged, blind, or permanently disabled) whose monthly countable income, regardless of source, is equal to or less than the combined maximum monthly payment of SSI plus the District supplement for the person having no other income or resources.

TITLE V - PUBLIC ASSISTANCE PROGRAMS

Sec. 501. Eligibility for public assistance.

Public assistance shall be awarded to or on behalf of any needy individual who is within one of the categories of public assistance established by title II.

D.C. Code
§3-205.1

Sec. 502. Residency requirement.

The Mayor in determining eligibility for a person to receive Old-Age Assistance, Aid to the Blind, Aid to the Permanently and Totally Disabled, AFDC, or GPA, which includes Temporary Assistance for Families of Unemployed Parents, Emergency Family Shelter Service, and Emergency Assistance Service, shall not, as condition of eligibility, impose any residence requirement which excludes any individual who resides in the District.

D.C. Code
§3-205.2

Sec. 503. Temporary residency.

(a) A resident of the District of Columbia is one who is living in the District of Columbia voluntarily and not for a temporary purpose; that is, one with no intention of presently removing himself or herself therefrom. A child is residing in the District if he or she is making his or her home in the District.

D.C. Code
§3-205.3

(b) Temporary absence from the District, with subsequent returns to the District, or intent to return when the purposes of the absence have been

accomplished, shall not interrupt continuity of residence.

(c) Residence as defined for eligibility purposes shall not depend upon the reason for which the individual entered the District except insofar as it may bear on whether he is there for a temporary purpose.

Sec. 504. Out-of-state recipients.

Recipients of assistance from the District who move to another jurisdiction with intent to remain in that State shall be asked to make application for assistance in that State immediately. Such recipients may continue to receive assistance from the District for a period of time not to exceed 2 months, to provide time for the State to process the application.

D.C. Code
§3-205.4

Sec. 505. Definitions.

For the purpose of sections 506 through 513, the term:

(1) "Earned income" means income in cash or in kind produced as a result of the performance of services currently rendered by an individual. In the case of an applicant or recipient of AFDC, the term "earned income" shall include the amount for which he or she is eligible, regardless of whether the applicant or recipient receives the advance payment according to 45 CFR 233.20(a)(6)(ix).

D.C. Code
§3-205.5

(2) "Family" means the total applicant or assistance unit.

(3) "Gross income" means total earned income before any deductions required by law.

(4) "Income" means the money periodically received by an individual for labor or service currently rendered, or from property, trusts, operations, or statutory benefits.

(5) "Mandatory deductions" means those deductions required by law or as a condition of employment.

Sec. 506. Old-age assistance and aid to the permanently and totally disabled need requirements.

In determining the need of an Old Age Assistance ("OAA") or an Aid to the Permanently and Totally Disabled ("APTD") applicant or recipient and the need of his dependents:

D.C. Code
§3-205.6

(1) Disregard the 1st \$7.50 each month of income from any source, then

(2) When the applicant or recipient has income from earnings, in addition to the above, each month from the 1st \$80 earned, disregard the 1st \$20 and one-half of the next \$60 of gross earnings. Then subtract the mandatory deductions to determine how much is to be considered an available resource.

(3). When the income is from OASDI or Railroad Retirement Benefits, disregard an additional \$4.00 each month.

Sec. 507. Aid to the blind need requirements.

D.C. Code
§3-205.7

In determining the need of an Aid to the Blind ("AB") applicant or recipient and his dependents:

(1) Disregard the 1st \$7.50 each month of income from any source, then

(2) Disregard the 1st \$85 and one-half of the excess above \$85 of gross monthly income earned by the recipient. Then subtract the mandatory deductions to determine how much is to be considered an available resource.

(3) When the income is from OASDI or Railroad Retirement Benefits, disregard an additional \$4.00 each month.

Sec. 508. GPA need requirements.

D.C. Code
§3-205.8

In determining the need of a GPA applicant or recipient, disregard no more than \$7.50 of income from any source.

Sec. 509. AB and ATD self-supporting plans disregards.

D.C. Code
§3-205.9

When an AB or ATD recipient has a plan for becoming self-supporting, his or her income from any source shall be disregarded as a resource to meet his or her current requirements or the requirement of any other individual, for a period up to 36 months, if necessary for the success of the plan provided the following criteria are met:

(1) The plan is sound; i.e., it offers a means of livelihood for which there is a demand in the labor market, can be carried out within 12 or at the maximum of 36 months, is approved as feasible by the Mayor, and by the service agency, such as Vocational Rehabilitation Administration, helping the recipient develop the plan; and

(2) The use of the income is necessary to the achievement of the plan; and

(3) An agreement to use the income for the purpose of the plan is signed by the recipient and a representative of the Mayor.

(4) If the plan is abandoned at any time before the recipient becomes self-supporting, any income saved toward achieving the plan becomes an immediate available resource to meet the needs of the assistance unit to the extent that it would have been a resource on a monthly basis.

Sec. 510. AFDC income eligibility standards.

D.C. Code
§3-205.10

(a) When the gross family income of persons applying for, or receiving, AFDC exceeds 150% of the standard of assistance for a family of the same composition, the family is not eligible for assistance. The disregard for stepparent's income under section 522, and the alien sponsor's disregards under 45 CFR 233.51 must be applied before making the determination under this section. Payments to correct underpayments to AFDC recipients is not considered as income or as a

resource either in the month the payment is made or in the following month.

(b) If the gross income, after application of exclusions and disregards permitted under subsection (a) are applied, is 150% or less of the standard of need, eligibility and benefit level shall be calculated in accordance with sections 514, 550, and 1705.

Sec. 511. AFDC need requirements.

In determining the need of families who are applying for or receiving AFDC:

D.C. Code
§3-205.11

(1) Deduct the first \$75 (\$60 if the individual has worked less than 120 hours in the month) of total earned income of each individual in the assistance unit. If the individual is self-employed, work expenses directly related to producing the goods or services and without which the goods or services could not be produced, shall be excluded from the earned income total.

(2) Deduct the cost of care of each dependent child, or care of an incapacitated adult living in the same home and receiving AFDC, up to a maximum of \$160 per month per child or incapacitated adult, or up to a maximum of \$120 if the individual has worked less than 120 hours in the month.

(3) For initial applicants, determine whether the monthly income, after disregards allowed under paragraph (1) or (2), exceeds the standard of assistance. If so, the family is ineligible for assistance.

(4) Disregard all of the monthly earned income of each child receiving AFDC if the child is a full-time student, or is a part-time student provided he is not employed full time. A part-time student must have a school schedule that is equal to at least one-half of a full-time curriculum.

(5) For individuals found otherwise eligible to receive assistance or who have received assistance in one of the 4 months prior to the month of application, disregard from the individual's earned income \$30 plus one-third of his earned income not already disregarded. This disregard is not allowed to an individual after the 4th consecutive month (any month for which the unit loses the \$30 plus one-third because of a provision in paragraph (6), shall be considered as 1 of these months) it has been applied to his earned income unless he is not a recipient of aid for 12 consecutive months. The resulting income figure is considered in determining the grant to the assistance unit.

(6) Income earned by any member of assistance unit shall not be disregarded for any month in which the Department determines that such member

(A) within 30 days preceding such month, without good cause (as specified in the Stat

plan), terminated his or her employment, reduced his or her earned income, or refused a bona fide offer of employment; or

(B) voluntarily requested assistance be terminated for the sole purpose of avoiding receiving the \$30 plus one-third disregard for 4 consecutive months; or

(C) without good cause, failed to file the monthly report required for that month on time; or

(D) failed to report without good cause earnings affecting eligibility within 10 days of receipt of the earnings.

Sec. 512. Food stamp disregard.

For all categories of assistance disregard the value of the coupon allotment under the Food Stamp Act of 1964, approved August 31, 1964, (78 Stat. 703; 7 U.S.C. sec. 2011 et seq.) in excess of the amount paid for the coupons.

D.C. Code
§3-205.12

Sec. 513. General disregards.

For all categories of assistance except GPA, the following income will be disregarded:

D.C. Code
§3-205.13

(1) Any highway relocation assistance paid under the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 815; 23 U.S.C. sec. 101 et seq.);

(2) Any additional relocation assistance paid under section 202 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, approved January 2, 1971 (84 Stat. 1895; 42 U.S.C. sec. 4622);

(3) Any grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Commissioner of Education;

(4) Any out-of-pocket expenses reimbursed to recipients serving as volunteers in any organized program shall not be considered as available income in determining the needs of the recipient or the assistance unit. Out-of-pocket expenses may include carfare, cost of lunch, cost of babysitting, and day care.

(5) Financial aid given on a continuing basis by another agency shall not be considered as income in determining the amount of the public assistance payment when the following conditions are met:

(A) The aid is to meet the cost of goods and services that are not included in the Social Service Administration ("SSA") Standard for Requirements; or

(B) The aid is to compensate for any SSA administrative payment reduction, and

(C) The aid is given by an agency or organization which has a different purpose from that of the SSA such as vocational rehabilitation or training.

(D) The agency has signed a complementary program relationship with the SSA.

(6) Any other federal benefits currently excluded by federal law, regulation, or policy directive from countable income for purposes of the AFDC program.

Sec. 514. GPA need standard.

For applicants for or recipients of GPA, the Mayor shall, in determining need, consider only net income that is regularly available to the assistance unit.

D.C. Code
§3-205.14

Sec. 515. Standards for inclusion in the assistance unit.

D.C. Code
§3-205.15

(a) The Mayor shall include individuals who are otherwise eligible for AFDC, in the assistance unit for AFDC, according to the following provisions:

(1) Children under the age of 18 regardless of whether they are attending school.

(2) Individuals age 18 if full-time students in secondary school, or in the equivalent level of vocational or technical training, and reasonably expected to complete the program before reaching age 19. The Mayor shall determine the meaning of the term "full-time student", shall determine which vocational or technical training courses are equivalent to the level of secondary school, and shall determine which factors will be considered in deciding whether an individual may reasonably be expected to complete the program of study or training before reaching age 19.

(3) Individuals age 18 and under 21 regularly attending a school, college, or university, or in the equivalent level of vocational or technical training designed to fit him or her for gainful employment, as determined by the Mayor. An individual may be considered a student regularly attending a school or training course:

(A) If he or she is enrolled in and physically attending a full-time program of study or training leading to a certificate, diploma, or degree;

(B) If he or she is enrolled in and physically attending at least half-time a program of study or training leading to a certificate, diploma, or degree and is regularly employed or available for and actively seeking employment; or

(C) If he or she is enrolled in and physically attending at least half-time a program of study or training leading to a certificate, diploma, or degree and is precluded from full-time attendance or part-time employment because of a verified physical handicap.

(D) For the purpose of subparagraph (3)(A), (B), and (C), the Mayor shall determine the meaning of the term "full-time" and "half-time" student. The Mayor shall provide to the student written information and referral as to the availability

of student loans, grants, and work-study programs for which the student may be eligible.

(b) The income of children who are included in the assistance unit, in excess of the amount which can be disregarded or which is being conserved, shall be considered as resource in determining need.

Sec. 516. Contribution guidelines for nonassistance unit children.

D.C. Code §3-205.16

The Mayor shall use the following guidelines in counseling children not included in the assistance unit as to the amount they may contribute toward the maintenance of their home: a suggested contribution to the family of 1/3 of any monthly income remaining after there have been deducted from the child's gross income (a) earnings that can legally be disregarded, (b) \$80 for his or her own requirements, and (c) \$50 for each of his or her own dependents.

Sec. 517. Definitions.

For the purposes of sections 518 through 525, the term:

D.C. Code §3-205.17

(1) "Continued absence from the home" means absence of a parent from the home by reason of (A) desertion or abandonment, (B) divorce or legal separation, (C) imprisonment, or (D) voluntary separation involving a dissociation of marital and family relationships. The term "continued absence from the home" shall not include absence from the home of a parent (A) which results from separate living arrangements made by a couple for the purpose of establishing eligibility for assistance; or (B) who has left home for employment elsewhere and who is meeting the needs of his or her family.

(2) "Parent" means a child's natural or adoptive parent.

(3) "Parent who is the principal earner" shall be defined in accordance with 45 CFR 233.100(a)(3)(vi)(A).

(4) "Stepparent" means a person who is living in the home of the children for whom AFDC is requested and who is legally married to the natural or adoptive parent of the children.

Sec. 518. Child's eligibility.

(a) A needy child is eligible for AFDC when he is deprived of parental support or care by reason of the death, continued absence from the home, or the physical or mental incapacity of a parent, or the unemployment of his parent who is the principal earner.

D.C. Code §3-205.18

(b) Both need and deprivation must exist in all AFDC cases without regard to whether one resulted from the other.

(c) When a parent who is the primary wage earner of a family must remain in the home to care for his or her children because of the sudden death, incapacity, or desertion of the other parent, assistance may be granted for a reasonable period of time, not to exceed

3 months, so that a child day care plan may be arranged.

Sec. 519. Application.

Application for public assistance shall be accepted from, or on behalf of, any person who believes himself or herself eligible for public assistance. Such application shall be made in the manner and form prescribed by the Council, and shall contain such information as the Mayor shall require.

D.C. Code
§3-205.19

Sec. 520. Parental absence owing to imprisonment.

When continued absence from the home is by reason of imprisonment, the Mayor shall verify the length of the prison term of the parent, ascertain the date the parent will be eligible for parole, determine whether the parent is employed under the Work Release Program and the amount of support payment made to the family if so employed.

D.C. Code
§2-205.20

Sec. 521. Eligibility standards for children of unemployed parents.

(a) A child shall be eligible to receive AFDC by reason of the unemployment of his or her parent who is the principal wage earner if the parent who is the principal wage earner:

D.C. Code
§3-205.21

- (1) is employed less than 35 hours a week;
- (2) has been employed less than 35 hours a week for at least 30 days prior to the receipt of AFDC;
- (3) has not without good cause, within such 30 day period, refused a bona fide offer of employment or training for employment;

(4) has 6 or more quarters of work during which he or she earned not less than \$50 in each quarter, within the 3 years and 3 months ending within 1 year prior to applying for AFDC, or, within such 1-year period he or she has either received unemployment compensation or would have been entitled thereto had the industry in which he or she was employed been covered under the unemployment compensation law; and

(5) is registered with the District of Columbia Department of Employment Services.

(b) The family shall not be eligible for assistance for any week in which the parent who is the principal wage earner receives unemployment compensation.

(c) The parent who is the principal wage earner must be referred to the Work Incentive Program within 30 days after receipt of the 1st AFDC payment.

Sec. 522. Availability of stepparent income.

(a) A stepparent is not required by the law of the District to support his or her stepchildren, but is legally responsible for the support of his or her spouse.

D.C. Code
§3-205.22

(b)(1) When a child lives with a parent and a stepparent, the income of the stepparent shall be

considered as available to the family in computing eligibility for public assistance according to the requirements of this subsection. When the child lives with a parent and another person, not a stepparent, who is maintaining a home with the parent, the financial resources of that person shall be considered to the extent to which that person is contributing to the support of the parent and the child.

(2) In computing the availability of a stepparent's income, the Department shall exclude:

(A) the 1st \$75 of the total of such stepparent's earned income for the month. If the stepparent worked less than 120 hours during the month, the amount disregarded shall be \$60;

(B) an additional amount for the support of the stepparent and any other individuals who are living in the home, but whose needs are not taken into account in making the AFDC eligibility determination and who are claimed by the stepparent as dependents for purposes of determining his or her Federal personal income tax liability. This disregarded amount shall equal the District's standard of need for a family group of the same composition as the stepparent and those other individuals described in the preceding sentence;

(C) amounts actually paid by the stepparent to individuals not living in the home but who are claimed by him or her as dependents for purposes of determining his or her Federal personal income tax liability; and

(D) payments by such stepparent of alimony or child support with respect to individuals not living in the household.

(3) All of the stepparent's remaining income shall be assumed available to the assistance unit.

(4) This provision shall not apply in those cases where the District of Columbia is regularly collecting child support from the natural parent.

(c) When there is a stepparent in the home or a person who is maintaining a home with the parent of the children receiving AFDC, his or her employability status, financial resources, and whether he or she is legally married to the parent of the children for whom AFDC is requested, will determine how requirements of members of the household are to be met in accordance with the following considerations:

(1) The requirements of a stepparent or other person who is unemployed because of incapacity or age and who is in need, will be included in the assistance payment unless he or she is eligible in his own or her right for assistance under one of the adult programs;

(2) A stepparent or other person who is unemployable, and has children of his or her own who

are in need, may receive a separate AFDC payment for himself or herself and his or her children;

(3) The needs of a stepparent or other person who is employable and has no children of his or her own, may not be included in the AFDC payment and every effort shall be made to help him or her find employment;

(4) A stepparent who is employed is responsible for the support of his or her own children and of his or her spouse, unless such stepparent's income is not sufficient to meet the needs of his or her own dependents based on the Mayor's Standard for Requirements. In such cases the parent of the AFDC children shall be included in the AFDC assistance unit; and

(5) The income of the parent of the AFDC children shall be applied first to meet the needs of the assistant unit.

Sec. 523. Obligations of custodial relations other than parents.

(a) When a relative applies for AFDC in behalf of a child who is living in such relative's home and the child's parents are maintaining a home elsewhere, the Mayor shall determine whether the child is in fact deprived of parental care and support.

(b) When parents are unwilling to accept the responsibility for the support of their children, a relative with whom a child is living shall be encouraged to cooperate with appropriate law enforcement officials charged with the responsibility for pursuing public remedies against the parents who are not contributing toward the support of their family: PROVIDED, That the failure of such relative to so cooperate with law enforcement officials shall have no effect on eligibility for assistance under this program.

Sec. 524. Eligibility requirements for alien children.

If the needy child or other member of an assistance unit is an alien legally residing in the United States according to 45 CFR 233.50, and if the alien applies for assistance after September 30, 1981, and if the alien has a sponsor, eligibility, benefit levels, reporting, and overpayment requirements shall be determined in accordance with 45 CFR 233.51-52. This section shall not apply to aliens exempt under 45 CFR 233.51(e).

Sec. 525. Eligibility determined prospectively.

All factors of eligibility shall be determined prospectively, and the amount of the monthly assistance payment shall be determined using the retrospective budgeting method, in accordance with Federal law and 45 CFR 233.31-35.

D.C. Code
§3-205.23

D.C. Code
§3-205.24

D.C. Code
§3-205.25

Sec. 526. Procedure for public and medical assistance application.

D.C. Code
§3-205.26

Applications for public and medical assistance shall be approved or disapproved by the Mayor with reasonable promptness. Such action shall be taken on applications for public assistance not in excess of 45 days and on applications for medical assistance to the disabled not in excess of 60 days from the date the application is received to the date the applicant receives his 1st assistance payment or his Medicaid care or a notice of ineligibility, unless a delay is caused by unusual circumstance beyond the Mayor's control including those which are:

- (a) wholly within the applicant's control;
- (b) beyond his or her control, such as hospitalization or imprisonment; or
- (c) an administrative or other emergency that could not be reasonably controlled by the agency.

Sec. 527. Failure to determine eligibility within time requirement not fatal.

The Mayor shall not terminate its consideration of an application for assistance solely because it has been unable to establish the eligibility of the applicant within the 45 or 60 day period.

D.C. Code
§3-205.27

Sec. 528. Income application in determining need for family receiving more than one assistance payment.

When a family is receiving more than 1 assistance payment and members of a family have income, the Mayor shall apply income that must be considered in determining need as follows:

D.C. Code
§3-205.28

(a) When a husband and wife are each receiving assistance, income shall be divided equally between them.

(b) When the parent of minor children has income and is receiving assistance in his or her own right, his or her income shall be prorated between his or her payment and the payment for his or her dependents.

(c) When an adult child has income, is receiving assistance, and is living with his or her family which is receiving assistance, his or her income shall be applied only to his or her own requirements.

Sec. 529. Income status of loans and grants.

The Mayor, in determining the amount of assistance payment to which an applicant or recipient of public welfare is entitled shall not consider as income or as a resource, loans and grants obtained and used under conditions that preclude their use for current living costs.

D.C. Code
§3-205.29

Sec. 530. Definitions.

As used in sections 531 through 535, the term:

(1) "Accrued statutory benefit" means monetary sum received at 1 time of accumulated statutory payments, which payments will be continued regularly on a periodic basis.

D.C. Code
§3-205.30

(2) "Lump-sum payment or settlement" means non-recurring payment such as an insurance settlement. For purposes of AFDC this includes receipt of an accrued statutory benefit if such benefit is countable under federal regulations, but does not include a payment that represents a correction of previous underpayments of AFDC benefits.

Sec. 531. Application for benefits required.

D.C. Code
§3-205.31

The Mayor shall, as a condition of eligibility, require each public assistance applicant or recipient, to apply for any benefits to which he or she may be entitled.

Sec. 532. Establishment of net payment received.

D.C. Code
§3-205.32

The Mayor shall deduct from the gross amount of any accrued statutory benefit, lump-sum payment, or settlement from any source received by a recipient of GPA (provided such money is still available to the recipient when the Mayor learns of its receipt) (a) attorneys' fees, medical expense, and other legitimate expenses of collection or settlement; and (b) legitimate debts of the recipient incurred for living expenses prior to his or her application for assistance and for which credit was extended in anticipation of the award or settlement.

Sec. 533. Treatment of lump-sum payments and settlements.

D.C. Code
§3-205.33

(a) For applicants for and recipients of GPA:

(1) The net amount of a lump-sum payment or settlement, if less than twice the amount of the current monthly assistance payment, and still available to the recipient, shall not be considered as a current resource of the recipient. Such payment or settlement may be retained by the recipient as an emergency cash reserve in an amount not in excess of that authorized by regulation.

(2) The net amount from a lump-sum payment or settlement which is equal to or exceeds twice the amount of the current monthly assistance payment, and which is still available to the recipient, shall be considered as a resource, and assistance shall be suspended for the number of months arrived at by dividing twice the amount of the assistance payment, less any new resource from monthly benefits, into lump-sum. A partial month shall be disregarded in such computation. A lump-sum payment received by a recipient for a verifiable specified purpose which in the judgment of the Mayor is not contrary to sound public assistance administration, shall not be considered as a current resource if the money is used or set aside for such purpose. A lump-sum payment received in settlement of a claim or as a court judgment for an injured child may be deposited in a trust fund for the education, rehabilitation, or protection of the future welfare of such injured child.

(3) Assistance which has been suspended pursuant to paragraph (2) may be reinstated by the Mayor when the individual has had unanticipated expenses to the extent that he or she is unable to maintain himself or herself on his or her income for the specified period of suspension.

(b) For applicants for and recipients of AFDC:

(1) The amount of a lump-sum payment or settlement shall be considered as current income of the applicant or recipient, both in the month in which it was received and in future months, as required by law.

(2) If the amount of the payment, when added to any other income, exceeds the standard of assistance applicable to the family of which the applicant or recipient is a member:

(A) the family of the applicant or recipient shall be ineligible for assistance for the full number of months that equals (i) the sum of the payment and all other countable income received in such month, divided by (ii) the standard of assistance applicable to such family, and

(B) any income remaining (which amount is less than the applicable monthly standard) shall be treated as if it were income received in the 1st month following the period of ineligibility specified in subsection (b)(2)(A).

Sec. 534. Treatment of accrued statutory benefits.

For applicants for and recipients of GPA:

(a) The net amount from the payment of an accrued statutory benefit, if less than twice the amount of the current monthly assistance payment (as reduced by the monthly statutory benefit payments) and still available to the recipient, shall not be considered as a current resource of the recipient. Such payment may be used by the recipient to purchase items not included in the Standard for Requirements, but may not be retained as a cash reserve.

(b) The net amount from a payment of accrued statutory benefits which is equal to or exceeds twice the amount of the current monthly assistance payment (as reduced by the monthly statutory benefit payments) and which is still available to the recipient, shall be considered as a resource, and assistance shall be suspended for the number of months arrived at by dividing twice the amount of the assistance payment, less any new resource from monthly benefits, into the statutory benefit payment. A partial month shall be disregarded in such computation.

(c) Assistance which has been suspended pursuant to subsection (b) may be reinstated by the Mayor when the individual has had unanticipated expenses to the extent that he or she is unable to maintain himself or

D.C. Code
§3-205.34

herself on his or her income for the specified period of suspension.

Sec. 535. Failure of applicants for and recipients of GPA to report promptly.

When the receipt of a lump-sum or accrued statutory benefit payment is not reported promptly and a part of the money has been spent, the length of time assistance shall be suspended shall be based on the amount of the payment remaining and available to the recipient at the time the Mayor learns of the resource, less any amount the recipient may repay of the overpayment that accrued as a result of the recipient's failure to report the resource.

D.C. Code
§3-205.35

Sec. 536. Vocational rehabilitation program disregards.

The Mayor, in determining the extent of need of persons who are receiving AFDC or GPA and are selected by the vocational rehabilitation program to receive vocational training for gainful employment, shall disregard the full amount of work incentive allowances paid to trainees by the vocational rehabilitation program.

D.C. Code
§3-205.36

Sec. 537. Standard for income and resource determination.

The Mayor shall, in establishing the need of an individual for assistance, take into consideration all income and resources of such individual in excess of any amounts which may, under the provisions of the Social Security Act, approved August 14, 1935 (49 Stat. 620, 42 U.S.C. sec. 301 et seq.) be legally disregarded.

D.C. Code
§3-205.37

Sec. 538. Availability of income and resources.

All income and other resources shall be identifiable as to nature, amount, and time of receipt, and must be actually available to the applicant or recipient for his or her current use. Unpredictable and inconsequential gifts or earnings shall not be considered resources.

D.C. Code
§3-205.38

Sec. 539. Earned income.

Earned income includes income or resources in cash or in kind earned by an individual through the receipt of wages, salaries, commissions, or profit from activities in which he or she is self-employed.

D.C. Code
§3-205.39

Sec. 540. Resources in kind.

Resources in kind are basic necessities such as food, clothing, or shelter, which an individual obtains without charge or in return for his or her services.

D.C. Code
§3-205.40

(1) In taking into consideration such resources in determining need, the money value shall not exceed the allowance in the Standard for Requirements for the item provided.

(2) Home produce of an applicant or recipient, utilized by him or her and his or her household for their own consumption, shall not be

considered in determining need and the amount of payment.

(b) An individual shall not be required to accept an offer of a free home.

Sec. 541. Emergency applicant may retain automobile.

An applicant for public assistance who requests assistance by reason of an emergency for not more than 60 days shall be entitled to retain whatever automobile is then owned or being paid for by him or her.

D.C. Code
§3-205.41

Sec. 542. Definitions.

For the purpose of determining coverage and conditions of eligibility of applicants and recipients in financial and medical assistance programs of the District, the Mayor shall apply the following definitions relating to incapacity and disability with respect to parents and other adults who are otherwise eligible for assistance under such programs:

D.C. Code
§3-205.42

(a) Physical or mental incapacity.

(1) For the AFDC program, physical or mental incapacity shall be deemed to exist when 1 parent has a physical or mental defect, illness, or impairment. The incapacity shall be supported by competent medical testimony and must be of such a debilitating nature as to reduce substantially or eliminate the parent's ability to support or care for an otherwise eligible child and be expected to last for a period of at least 30 days.

(2) For the GPA program, physical or mental incapacity shall be deemed to exist when the applicant or recipient has a physical or mental defect, illness, or impairment. The incapacity shall be supported by competent medical testimony and must be of such a debilitating nature as to reduce substantially or eliminate the ability of the applicant or recipient to care for or support himself or herself and be expected to last for a period of at least 30 days.

(3) In making the determination of ability to support, the Mayor shall take into account the limited employment opportunities of handicapped individuals.

(4) A finding of eligibility for OASDI or SSI benefits, based on disability or blindness, shall be deemed acceptable proof of incapacity for purposes of the AFDC or GPA programs.

(b) Disability. An individual shall be deemed to be disabled if he or she is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

Sec. 543. Eligibility under special conditions.

D.C. Code
§3-205.43

(a) A parent who is the principal earner of an assistance unit and who is unemployed because of participation in a labor dispute may be eligible for AFDC on the basis of deprivation due to unemployment if other eligibility requirements are met.

(b) A pregnant woman may be eligible for AFDC benefits for herself when the pregnancy has been medically verified if other eligibility requirements are met. The Mayor shall provide to the pregnant woman written information and referral as to the availability of prenatal care services and nutrition supplements for pregnant women.

Sec. 544. Amount.

(a) The amount of public assistance which any person shall receive shall be determined by the Council.

D.C. Code
§3-205.44

(b) Such amount as referred to in subsection (a) shall not be less than the full amount determined as necessary on the basis of the minimum needs of such person as established by the Council.

Sec. 545. Standard for requirements exceptions.

The Department in determining need for public assistance will authorize the full allowance for basic requirements for the number of persons in the assistance unit as specified in the Standard for Requirements with the following exceptions:

D.C. Code
§3-205.45

(a) The principle of family budgeting shall be applied when there is more than 1 assistance payment paid to members of a family, by prorating the allowance for basic requirements according to the number of persons included in each payment.

(b) When 2 or more related families are receiving assistance and share the same living quarters, the shelter allowance shall be prorated according to the number in each assistance unit.

(c) When children who are receiving assistance are living in the home of a self-supporting relative who requests an allowance for shelter for the children, the amount allowed shall not exceed the children's prorated share of the relative's actual shelter cost, nor exceed the shelter allowance standard for the number of children in the payment.

Sec. 546. Meal determination.

When a recipient prepares some of his meals at home and eats some meals in restaurants, the Mayor shall use the standard that predominately applies to his eating pattern.

D.C. Code
§3-205.46

Sec. 547. Nursing care rates.

(a) When a recipient is receiving nursing care in the home of a relative, the Mayor will apply the standard for room, board, and care in an intermediate care facility, based on the kind and extent of care required.

D.C. Code
§3-205.47

(b) The rate for care in a foster home or for residential placement shall be the same as that for the lowest rate in an intermediate care facility.

(c) The rates paid for intermediate care, foster home care, or residential placement shall be paid at 100% of the standard as the rates were not increased in the 1970 budget.

Sec. 548. Standards of assistance.

Standards of Assistance are adopted superseding the existing Standards for Requirements, and shall be applied:

D.C. Code
§3-205.48

(a) To determine the eligibility of applicants for public assistance; and

(b) To determine or redetermine the amount of public assistance grant for the recipient.

Sec. 549. Special living arrangements.

(a) Recipients of public assistance who are in extended or intermediate care facilities shall receive a payment of \$20 per month for clothing and personal needs.

D.C. Code
§3-205.49

(b) Recipients of public assistance who are in halfway houses for alcoholics or drug addicts shall receive a payment of \$170 per month, \$150 of which shall be for room, board, and care, and the remaining \$20 for clothing and personal needs.

(c) Effective with payments beginning on January 1, 1980, recipients of supplemental security income or general public assistance living in community residence facilities having 50 or fewer residents shall receive a payment of \$335.40 per month, \$300.40 of which shall be used for room, board, and care, and \$35 of which shall be retained by the recipient for clothing and personal needs.

(d) Effective with payments beginning on January 1, 1980, recipients of SSI or GPA residing in community residence facilities with a capacity for more than 50 residents shall receive a payment of \$445.40 per month, \$410.40 of which shall be used for room, board, and care, and \$35 of which shall be retained by the recipient for clothing and personal needs. At no time shall the total number of persons receiving payments from the District pursuant to this subsection exceed 250 persons.

(e) In the event the SSI payment is increased on or after July 1, 1978, the total amount of any increase shall be added to the payment levels authorized by subsections (c) and (d) and shall be used for room, board, and care.

(f) For purposes of this section, the term "community residence facilities" means the same as that provided in section 3 of title I of the Health Care Facilities Regulations, enacted June 14, 1974 (Reg. 74-15; 20 DCR 1423): EXCEPT, that it shall not include half-way homes for alcoholics or drug addicts.

Sec. 550. Costs of training and employment.

(a) A member(s) of an assistance unit enrolled in a training program approved by the Mayor, other than the work incentive program ("WIN"), shall receive a monthly payment in the amount of \$49 to cover costs incidental to training. D.C. Code §3-205.50

(b) An employed child 14 years of age or older who is in an assistance unit receiving AFDC shall receive the amount of \$49 per month if his or her employment is approved by the Mayor and if he or she:

- (1) is in school full-time; or
- (2) is in school part-time and working less than 30 hours per week.

(c) When an adult member of a GPA unit or an applicant for GPA has income from employment, only the net income shall be treated as a resource in determining eligibility for and payment of GPA. Net income is defined as gross income less:

- (1) all income required to be disregarded pursuant to sections 505 through 512;
- (2) all deductions from gross income required by law or as a condition of employment;
- (3) union dues when required;
- (4) cost of special equipment necessary for employment;
- (5) cost of child care when not provided by the employer or the Mayor; and
- (6) an amount which represents costs incidental to earning an income. This amount shall be \$58 per month when the applicant or recipient is employed 30 hours or more per week, and \$44 per month when the applicant or recipient is employed less than 30 hours per week.

Sec. 551. Procedure for determining amount of public assistance payment.

No assistance unit will receive AFDC monthly benefits if the benefit check prior to adjustments is less than \$10. An assistance unit denied benefits as a result of this provision shall continue to be considered eligible for AFDC for all other purposes.

Sec. 552. Policy for determining the amount of public assistance payments.

(a) To determine the public assistance payment for an assistance unit, the Mayor shall subtract any available resources of the assistance unit (after applicable disregards) from the current payment level except that an applicant for AFDC with earned income, who has not been a recipient of assistance within any of the 4 months preceding the date of application, shall have his or her eligibility determined under the standards of assistance.

(b) Subsection (a) shall not apply to payments for training, employment, or special living arrangements.

D.C. Code
§3-205.51

D.C. Code
§3-205.52

(c) The standards of assistance, based on the February, 1977, cost of living index, are as set forth in the following table and include basic costs of food, clothing, shelter, household and personal items, certain transportation costs, and life insurance when paid by the Mayor.

Family Size	Standards of Assistance	Payment Levels
1	\$ 370.	\$ 189.56
2	462.	236.75
3	586.	299.93
4	715.	366.17
5	825.	422.50
6	970.	497.10
7	1,113.	570.18
8	1,230.	630.32
9	1,352.	692.74
10	1,470.	752.88
11	1,551.	794.75
12	1,666.	853.37
13	1,743.	892.95
14	1,838.	941.67
15	1,907.	976.69
16	2,002.	1,025.41
17	2,196.	1,125.13
18	2,247.	1,151.01
19	2,295.	1,175.37

Sec. 553. Reconsideration of grants; modification of amount; duty of recipient to notify Mayor of change of circumstances; grants under General Public Assistance Program for Unemployables.

D.C. Code
§3-205.53

(a) All public assistance grants made under this act shall be reconsidered by the Mayor as frequently as he or she may deem necessary, but in every case the Mayor shall make such reconsiderations at least once in each year. After such further investigation as the Mayor may deem necessary, the amount of public assistance may be changed, or may be entirely withdrawn, if the Mayor finds that any such grant has been made erroneously, or if he or she finds that the recipient's circumstances have altered sufficiently to warrant such action. If at any time during the continuance of public assistance the recipient thereof becomes possessed of income or resources in excess of the amount previously reported by him or her, or if other changes should occur in the circumstances previously reported by him or her which would alter either his or her need or his or her eligibility, it shall be his or her duty to notify the Mayor of such fact immediately on the receipt or possession of such additional income or resources, or on the change of circumstances.

(b) The period of payment of public assistance grants under the General Public Assistance Program for Unemployables (G-U) shall be limited to such period of incapacity as may be determined by the Mayor. Within any 12-month period, no such payment shall be made to any applicant or recipient of GPA for a period in excess of 6 months for the same incapacity unless the grant is reviewed as the result of a reapplication by the applicant or recipient as provided in subsection (c).

(c) Any person whose public assistance payment had been terminated because of the provision of subsection (b) and now, because of a continuing inability to work due to a physical or mental incapacity, continues to require such assistance may reapply for an extension of the period of the payment of such GPA. Sixty days prior to termination of the period of eligibility the Mayor shall notify the client in writing advising him or her to submit a new medical report and to request continuation of assistance within 30 days of the date that the notice is mailed (postmarked), if he believes he is still eligible for assistance. No client who submits to the Mayor the request for continuation of assistance within the 30 days of the date his or her notice is mailed (postmarked) shall have his or her assistance terminated unless his or her case has been reviewed by the Mayor and he or she has been found ineligible.

(d) For the purposes of this section, (G-U) covers adult individuals and adult couples without children who are not eligible for the federal Supplemental Security Income program but whose earning power is temporarily diminished because of a physical or mental incapacity.

Sec. 554. AFDC assistance units monthly report.

(a) Each AFDC assistance unit shall report monthly on:

(1) the family's income, composition, and other circumstances relevant to the amount of the assistance payment during the prior month;

(2) any changes in income, resources, or other relevant circumstances (as defined by the Mayor) affecting continued eligibility which the family expects to occur in the current month or future months; and

(3) if appropriate, stepparent's income and alien sponsor's income and resources.

(b) All monthly reports must be received by the Mayor by the 10th of the month. In addition to the monthly report any change in earnings affecting eligibility between monthly reporting periods must be reported within 10 days of receipt of the earnings.

(c) When the Mayor receives a complete report by the 10th of the month, it shall act promptly to change or terminate assistance payments as may be appropriate on the basis of information contained in the monthly report. Written notice of the change or termination must be adequate, as defined by 45 CFR 205.10(a)(4)(i)(B) and must be mailed to the recipient no later than 15 days prior to the date the recipient would receive the changed payment or would have received payment, if assistance had not been terminated. A recipient has 10 days from the date of the notice to request a fair hearing.

(d) If the recipient fails to file a report on time, without good cause, or if the report filed is incomplete, the Mayor shall take prompt action to terminate assistance. The Mayor shall give the recipient written notice if assistance is being terminated as a result of failure to file or complete a report and the notice must be adequate as defined by 45 CFR 205.10(a)(4)(i)(B). The notice must be mailed to the recipient no later than 15 days prior to the date the recipient would receive payment if assistance had not been terminated. A recipient has 10 days from the date of the notice to request a fair hearing. If a recipient makes a timely request for a hearing, the assistance payment for the next month shall not be terminated, reduced, or delayed and shall continue each month thereafter until a decision is rendered after a hearing. If within 10 days of issuance of the notice of termination, the recipient filed a completed report,

D.C. Code
§3-205.54

Mayor shall accept the replacement form and shall make a payment based on the information on the form if the information indicates that the recipient is still eligible. If the recipient is found ineligible, or eligible for an amount less than the prior month's payment, the Mayor shall promptly give the recipient written notice of the change or termination. The written notice must be adequate as defined by 45 CFR 110(a)(4)(i)(B). If the recipient makes a timely submission of a replacement report, the assistance payment may not be terminated or reduced or delayed the next month, based on information in the replacement report, until the recipient has been given written notice of the termination or reduction. The recipient shall have 10 days from the date of the notice to request a hearing. If the recipient makes a timely request for a hearing, the assistance payment shall not be terminated, reduced, or delayed thereafter until a decision is rendered after a hearing.

(e) If a recipient has earned income, and fails to file a report of that income on time, without good cause, the \$30 plus one-third income, child care, and work expenses disregards shall not be allowed for the month that was to be reported on.

(f) The Mayor may exempt categories of recipients from reporting each month if such exemption is approved by the Secretary of the U.S. Department of Health and Human Services, prior to the due date of the monthly report.

(g) The assistance unit need not file a monthly report for the month in which eligibility is initially determined.

Sec. 555. Change in circumstances.

When a recipient of public assistance notifies a representative of the Mayor of a change in his or her circumstances that would cause his or her assistance payment to be reduced or terminated, the representative shall discuss with him: (1) the action that must be taken and its effective date; and (2) the recipient's right to a fair hearing if he or she is dissatisfied with the action to be taken by the agency.

D.C. Code
§3-205.55

Sec. 556. Fair hearings requirements for reduction or termination.

(a) When the information that is the basis for reduction or termination of payment comes from a source other than the recipient, the representative of the Mayor shall discuss the information with the recipient and notify him or her orally and in writing that if the recipient does not agree with or accept the information, he or she has 15 days to present additional information, or, in lieu thereof, to request a fair hearing.

D.C. Code
§3-205.56

(b) In arranging the appointment for the discussion, the representative of the Mayor shall

advise the recipient of his or her right to bring other persons with him or her who have knowledge of his or her situation, including a legal representative if he or she so desires.

Sec. 557. Consequences of failure to request a hearing.

If, after 15 days, the recipient does not request a fair hearing, or if applicable, does not submit additional information to clarify his eligibility status, the representative of the Mayor shall take immediate action to reduce or terminate the assistance payment, and shall notify the recipient in writing of the action taken, and its effective date.

D.C. Code
§3-205.57

Sec. 558. Consideration of additional information.

If the recipient submits additional information, the representative of the Mayor will give it due consideration to determine whether the information changes the Mayor's previous decision to reduce or terminate the assistance payment, and will notify the recipient accordingly, advising him or her of his or her right to a fair hearing.

D.C. Code
§3-205.58

Sec. 559. Effect of pending hearing.

If the recipient requests a hearing, the Mayor will take no action to reduce or terminate assistance until after receipt of the hearing decision.

D.C. Code
§3-205.59

Sec. 560. Benefits pending hearing.

Whenever a recipient of public welfare has the right to request a hearing pursuant to section 1005, no public assistance payment being made to such recipient shall be withheld, suspended, terminated, decreased in amount, or made subject to additional conditions unless the right to request a hearing has expired unexercised as provided in section 1009, or until the request for a hearing has been withdrawn, or until a decision is made by the Mayor following a fair hearing and such decision upholds the Mayor in his or her action to alter the amount or conditions of such public assistance grant.

D.C. Code
§3-205.60

TITLE VI - EMERGENCY PUBLIC ASSISTANCE

Sec. 601. Emergency public assistance.

The Mayor may grant emergency public assistance pending completion of investigation when eligibility has been established pursuant to section 501: PROVIDED, That such emergency assistance shall not be granted in any case for a period exceeding 30 days.

D.C. Code
§3-206.1

Sec. 602. Crisis assistance and service program.

The Mayor, in administering the Crisis Assistance and Service Program, shall claim federal financial participation to the extent allowable by law for assistance and services to needy families with children, provided the family has not received assistance from any emergency program for more than 30

D.C. Code
§3-206.2

consecutive days within the last 12 months and provided the crisis did not arise because the child, parent, or other relative refused without good cause to accept employment or training for employment.

Sec. 603. Emergency family shelter.

The Department, in operating the Emergency Family Shelter, shall claim federal financial participation to the extent allowable by law for assistance and services to needy families with children, provided the family has not received assistance from any emergency program for more than 30 consecutive days within the last 12 months, and provided the eviction did not occur because the child, parent, or other relative refused without good cause to accept employment or training for employment.

D.C. Code
§3-206.3

Sec. 604. Family emergency services program.

The Mayor, in administering the Family Emergency Services Program, shall claim federal financial participation to the extent allowable by law for assistance and services to needy families with children provided the family has not received assistance from any emergency program for more than 30 consecutive days within the last 12 months, and provided the emergency did not arise because the child, parent, or other relative refused without good cause to accept employment or training for employment.

D.C. Code
§3-206.4

Sec. 605. Emergency shelter allowances.

The Mayor, in providing emergency shelter allowances to families who are receiving Aid to Families with Dependent Children to enable them to obtain public housing, shall claim federal financial participation to the extent allowable by law, provided the family has not received assistance from any emergency program for more than 30 consecutive days within the last 12 months.

D.C. Code
§3-206.5

TITLE VII - COMPLEMENTARY PROGRAM RELATIONSHIPS WITH
PUBLIC ASSISTANCE PROGRAMS

Sec. 701. Policy.

It is the policy of the District to provide nonduplicative assistance to low-income families with dependent children. Such assistance shall not be deducted in determining the amount of assistance to be paid to recipients of AFDC.

D.C. Code
§3-207.1

Sec. 702. Establishment.

The Mayor shall establish, in accordance with federal rules, complementary program relationships to assist low-income families with dependent children.

D.C. Code
§3-207.2

Sec. 703. Rules.

The Mayor shall take such actions as necessary to implement section 702, and shall issue rules to implement this act. These rules shall be submitted to the Council for review within 30 days of the effective

D.C. Code
§3-207.3

... of this title and the Council may approve or disapprove these rules and regulations by resolution within 30 days of the date of submission by the Mayor. Prior to such Council action, the Mayor may issue emergency rules and regulations in accordance with section 105 of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 2206; D.C. Code, sec. 1-1506) to implement this title. Approval by the Council of the rules submitted to it shall operate to terminate the effectiveness of the emergency rules.

Sec. 704. Appropriations.

There is authorized to be appropriated such funds as may be necessary to implement sections 701 and 702.

D.C. Code
§3-207.4

TITLE VIII - AWARDS AND METHOD OF PAYMENT

Sec. 801. Award procedure and method of payment.

(a) Upon completion of the investigation pursuant to title IX, the Mayor shall determine whether the applicant is eligible for public assistance, the type and amount of public assistance for which he or she is eligible, and the date from which such public assistance shall begin, and shall furnish public assistance with reasonable promptness to all eligible persons: PROVIDED, That such date shall not be prior to the 1st day of the calendar month in which such determination is made, except that as a result of reconsideration or review of a case, and in order to correct previous erroneous administrative action, such as undue delay or improper denial of assistance, an initial payment of public assistance may be made for a period beginning prior to the 1st day of the calendar month in which the eligibility determination is made.

D.C. Code
§3-208.1

(b) Money payments of public assistance shall be made by check, except that in emergency cases money payments of public assistance may be made in cash, and to accomplish such purpose the Mayor may make necessary provisions for advancing from time to time to 1 or more officers or employees of the District such sum or sums as the Mayor may determine: PROVIDED, That no such advance shall be made to any such officer or employee who has not been previously bonded in such amount and form as the Mayor shall determine.

Sec. 802. Supplemental payments.

The Mayor may authorize a supplemental payment when necessary to meet the needs of its clients, according to established budget standards. A supplemental payment is defined as the 2nd payment to a recipient of public assistance for the same month.

D.C. Code
§3-208.2

Sec. 803. Underpayment corrections.

When a recipient of public assistance receives a payment or series of payments in an amount less than that to which he is entitled, or does not receive

D.C. Code
§3-208.3

payments to which he is entitled, the underpayment shall be corrected retroactively to the date the underpayment first occurred.

Section 804. Amount of assistance checks.

The Director of the Department, in authorizing assistance to public assistance recipients, shall issue the checks in the exact amount in dollars and cents to which each individual or family is entitled.

D.C. Code
§3-208.4

TITLE IX- INVESTIGATION OF APPLICANTS, ISSUANCE OF IDENTIFICATION CARD, AND CHECK DISTRIBUTION

Sec. 901. Investigation of applicants; issuance of identification cards.

(a) Whenever the Mayor shall receive an application for public assistance, he or she shall promptly make an investigation and record of the circumstances of the applicant in order to ascertain the facts supporting the application and to obtain such other information as he or she may require.

D.C. Code
§3-209.1

(b) After determining that a person is eligible to receive public assistance, the Mayor shall issue to such person a public assistance identification card which shall be used by such person in obtaining any public assistance, and as a means of identifying him or her as the proper recipient of such public assistance. The public assistance identification card shall contain the name, social security number, and account or case number of the recipient to whom such card was issued.

(c) The Mayor may by rule prescribe additional uses and requirements with respect to the issuance and use of the public assistance identification card as he or she deems necessary. Nothing in this section shall be construed to require recipients of public assistance to receive their monthly allotment checks in person at 1 central location. The Mayor shall by rule establish such means of distribution of such checks which, utilizing the public assistance identification card, will insure the least amount of fraud and loss of such checks without unduly burdening the recipients of such checks.

Sec. 902. No dwelling inspection requirement.

The Mayor, in establishing initial or continuing eligibility for public assistance, shall take no adverse action against any applicant or recipient who refuses to admit any representative of the Mayor into the applicant's or recipient's home, or who, upon admitting representatives of the Mayor into the applicant's or recipient's home, refuses to permit representatives of the Mayor to inspect the dwelling.

D.C. Code
§3-209.2

Sec. 903. Notification of right to refuse dwelling inspection.

All recipients and applicants shall be informed at the time of application, orally and in writing and at

D.C. Code
§3-209.3

least annually thereafter in writing, that no adverse action of any kind will be taken against them for refusing to permit representatives of the Mayor to enter the applicant's or recipient's home or to inspect the premises.

TITLE X - HEARING PROCEDURES

Sec. 1001. Hearings.

An applicant for, or recipient of, public assistance aggrieved by the action or inaction of the Mayor shall be entitled to a hearing. Each applicant or recipient shall be notified of his or her rights to a hearing. Upon request for such hearing, reasonable notice of the time and place thereof shall be given to such applicant or recipient. Such hearing shall be conducted in accordance with the provisions of this title. The findings of the Mayor on any appeal shall be final.

D.C. Code
§3-210.1

Section 1002. Right to a fair hearing.

(a) The Mayor, upon receipt of an application made pursuant to section 1005, shall grant a fair hearing to any applicant for or a recipient of public assistance whose claim for assistance has been denied or has not been acted upon within a reasonable time not to exceed 30 days; or who is aggrieved by any other action or inaction of the Mayor which affects the receipt, termination, amount, kind, or conditions of his assistance.

D.C. Code
§3-210.2

(b) The following are the major objectives of the hearing process in public assistance:

(1) To enable the Mayor and the claimant to ascertain jointly the factual basis on which, through proper application of the assistance law and agency policies, a just and equitable decision may be reached.

(2) To safeguard applicants and recipients from mistaken, negligent, unreasonable, or arbitrary action by agency staff.

(3) To reveal aspects of agency policy that are inequitable or constitute a misconstruction of law. It is intended to submit policy to test and argument, and to place in the hands of policy-making officials evidence indicating the need for modification of policies and standards, and the nature of the needed modification.

(c) A hearing need not be granted when either District or federal law required automatic grant adjustments for classes of recipients of AFDC unless the reason for an individual appeal is incorrect computation of the grant.

Sec. 1003. Regular and special hearing officers.

(a) All hearings relating to individual appeals shall be conducted by properly designated Hearing

D.C. Code
§3-210.3

Officers. Hearing Officers are directly responsible to the Mayor in carrying out their duties.

(b) The Mayor shall designate other Department personnel to serve as hearing officers when regular Hearing Officers are absent or when the number of requests for hearings are too numerous to be expedited by the regular Hearing Officers. Hearing Officers shall be selected from personnel who are not connected with public assistance activity or otherwise involved with the implementation of the public assistance program and shall be directly responsible to the Mayor in carrying out the duties of the Hearing Officer.

Sec. 1004. Notification of the right to request a hearing.

(a) Written and oral information regarding the right to request a hearing and the method of making such request shall be furnished by the Mayor to each public assistance applicant or recipient at the time of application and whenever the Mayor notifies the applicant or recipient that it intends to take action which may or will adversely affect him or her or his or her benefits, including changes in or terminations of assistance payments. Such written and oral notice shall include information that the claimant has the right to be represented by legal counsel or by a lay person who is not an employee of the District; that he may bring witnesses in his or her behalf; that reasonable expenses related to the hearing, such as transportation costs for the claimant and his or her witnesses, will be paid by the Mayor, and that legal services as described in S.E. 9.1 of the District of Columbia Handbook of Public Assistance Policies and Procedures are available to the claimants.

D.C. Code
§3-210.4

(b) A copy of the rules relating to hearing procedures will be furnished to all claimants at the time a hearing is requested pursuant to section 1005.

Sec. 1005. Requests for hearing.

Any applicant or recipient or his or her representative may request a hearing by giving a clear expression, oral or written, that he or she wants an opportunity to present his or her case to a higher authority. A request for a hearing shall be accepted by any administrative staff member employed by the Mayor to whom the request is submitted. The Mayor shall acknowledge promptly any request for a hearing, and a representative of the Mayor shall assist the claimant in submitting and processing his request for hearing. The Mayor shall treat a request made by a representative of the claimant as if made by the claimant: PROVIDED, That the claimant shall submit written authorization within 10 days of such request designating that person as his or her representative.

D.C. Code
§3-210.5

Sec. 1006. Complaint involving medical issues.

D.C. Code
§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 persons who made the original medical determination if the Hearing Officer or the claimant considers an additional examination necessary. Such an additional medical assessment shall be obtained at agency expense and, when requested by the claimant, shall be obtained from a medical source satisfactory to the claimant.

Sec. 1007. Administrative review.

The Mayor shall establish procedures for administrative review of every request for a hearing. The purpose of such review shall be ascertainment of the validity of the Mayor's position, and, if possible, achievement of an informal solution of the claim. Such procedures shall include:

D.C. Code
§3-210.7

(a) Notice to the claimant at the time of adverse agency action, including the decision to take future action, of his or her right to a fair hearing and to administrative review of that action, and notice that he or she may be represented at the hearing or the administrative review either by an attorney or lay person: PROVIDED, That such representative shall serve only in an advisory capacity to the claimant at the administrative review.

(b) Notice to the claimant of the time and place of such review.

(c) Notice to the claimant of the purpose of such review.

(d) Notice to the claimant that such review will not be made unless he appears, but that his failure to appear will not affect his or her right to the hearing he or she has previously requested.

(e) Notice to the claimant of the result of such review.

(f) Advice to the claimant that, if the result of such review is not satisfactory to him, the hearing which he previously requested will be held.

(g) Advice to the claimant that, if he or she is satisfied with the result of such review, his or her request for a hearing will be considered formally withdrawn, and that he or she may be required to sign a statement confirming such withdrawal.

Sec. 1008. Time and place of the hearing.

The hearing shall be held at a time, date, and place designated by the Mayor's agent. Adequate notice shall be given the claimant and his or her representative, including such information concerning hearing procedures as may be necessary for his or her effective preparation therefor. If the claimant shall notify the Mayor's agent that either the time or place designated by the Mayor's agent is not convenient to him or her and requests a new time or place for such hearing, the Hearing Officer shall designate another

D.C. Code
§3-210.8

time or place which is convenient to the claimant if he or she deems the claimant has sufficient reason for so requesting a change.

Sec. 1009. Time limit on requests for a hearing.

(a) A request for a hearing to review adverse action by the Mayor concerning any new application for public assistance or any application or request for a change in the amount, kind, or conditions of public assistance must be made within 15 days following notification to the applicant or recipient, pursuant to section 1004, of such adverse action by the Mayor and of his or her right to a hearing with respect to that action.

(b) A request for a hearing to review a decision by the Mayor to terminate, reduce, or change the amount, kind, or conditions of public assistance benefits, or to take other action adverse to the recipient must be made within 15 days following receipt of notice from the Mayor of his or her intention to make such change or take such action.

(c) A request for a hearing must be granted by the Mayor. A time and place shall be designated for such hearing and the applicant shall be notified of such time and place within 5 days of this request for a hearing. Hearing shall be held within a reasonably short time following the request, such time not to exceed 45 days following the initial request for a hearing.

Sec. 1010. Hearing procedure.

The Hearing Officer shall conduct the hearing in such a manner as to insure that both the claimant and the Mayor's agent have the opportunity to present all facts which in their judgment have a bearing on the hearing, and have adequate opportunity to examine material that will be introduced as evidence. He or she shall cause the pertinent proceedings to be taken down and transcribed. He or she shall allow the individual or his or her counsel to examine and cross examine and to present oral argument and documentary evidence. He or she shall permit the Mayor to introduce such evidence from the case record or other data secured by special investigation as pertains to the case, providing that such data is also made available to the client or his or her representative. If data from a special investigation is used, the claimant or his or her representative shall have the opportunity to examine the Mayor's agent's investigator who performed such investigation and to inspect and use for the purpose of cross examination any data, document, or record secured by the Mayor's agents having any bearing on the matter involved or in the decision giving rise to the hearing. If data from the case record is used, the claimant or his or her representative shall be allowed to inspect the case

D.C. Code
§3-210.9

D.C. Code
§3-210.10

record for the purpose of discovering information favorable to the claimant's case. The Mayor's agents shall not be represented by an attorney at any hearing or administrative review in which the claimant is not represented by an attorney.

Sec. 1011. Findings, conclusions, and recommendations.

(a) The Hearing Officer shall prepare a written summary of findings and conclusions based exclusively on the evidence presented at the hearing and shall make appropriate recommendations based upon his or her findings and conclusions. The summary of findings and conclusions shall state the policies, regulations, or laws upon which the Hearing Officer's recommendations are based. A verbatim transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, and the Hearing Officer's findings, conclusions, and recommendations will constitute the exclusive record for decision by the hearing authority, and will be available to the claimant at a place accessible to him or his representative at any reasonable time for a period not to exceed 2 years or until all litigation involving the decision is terminated. Non-recorded or confidential information which the claimant does not have the opportunity to hear or see shall not be made a part of the hearing record nor used in a decision on the appeal.

D.C. Code
§3-210.11

(b) The Hearing Officer shall submit his or her written findings, conclusions, and recommendations, which shall at the same time be directly transmitted to the claimant or his or her representative with an explanation that such written findings, conclusions, and recommendations have been submitted to the Mayor's agent and do not constitute the final decision of the Mayor's agent.

(c) If the Hearing Officer recommends that the action of the Mayor's agent be sustained, the claimant shall be notified that he or she has 10 days after he or she receives the findings, conclusions, and recommendations in which to submit to the Hearing Officer any newly discovered evidence he or she has in support of his or her position, and any objections, corrections, or exceptions he has to the findings and recommendations, and any brief that he or she or his or her counsel or representative may desire to submit. Newly discovered evidence and objections, corrections, or exceptions submitted by the claimant within the 10 day period shall be reviewed and considered by the Hearing Officer who shall submit a supplemental recommendation to the Mayor's agent to sustain or not to sustain the action of the Mayor. The Hearing Officer may, in his or her discretion, reconvene the hearing for the purpose of taking further evidence. When the Hearing Officer recommends that the action of

the Mayor not be sustained, the Hearing Record when completed shall be forwarded immediately for the decision of the Mayor's agent.

Sec. 1012. Decision.

(a) The Mayor's agent shall render a final decision on the claimant's appeal no later than 60 days after the date of his or her initial request for a hearing. If, however, the date of the hearing is postponed at the claimant's request, or if the claimant submits new evidence following the close of his or her hearing, causing it to be reopened, the length of the postponement or the delay caused by the reopening may be added to the 60 day period.

D.C. Code
§3-210.12

(b) The Mayor's agent shall overrule the Hearing Officer in instances where he or she does not agree with findings, conclusions, or recommendations presented for decision. In such case, the reasons for the Mayor's agent's decision shall be specified in writing and shall be made a part of the Hearing Record.

(c) All decisions of the Mayor's agent shall be final and binding upon the Mayor and shall be put into effect immediately unless otherwise specifically indicated in the action. When the hearing decision is favorable to the claimant, or when the Mayor's agent decides in favor of the claimant prior to the hearing, the Mayor's agent shall authorize corrected payments retroactively to the date the incorrect action was taken.

Sec. 1013. Notification of decision.

The Mayor's agent shall transmit his or her written decision and any further written statement required by section 1012 to the claimant. If the decision is adverse to the claimant, the Mayor's agent shall notify him or her of his or her right to judicial review.

D.C. Code
§3-210.13

Sec. 1014. Right to request a hearing while absent from the District.

A recipient shall have the same right to a hearing while absent from the District that he or she had while living in the District.

D.C. Code
§3-210.14

Sec. 1015. Reference file of hearing decisions.

The Mayor will maintain a file of all hearing decisions, with identifying information deleted, that will be accessible to claimants, their representatives, and other persons upon request to the Mayor.

D.C. Code
§3-210.15

Sec. 1016. Hearing decisions affecting other applicants or recipients.

(a) Where a request for hearing has been made on an action taken by the Mayor, and the Hearing Officer finds that the issue or policy involved directly affects or will affect other recipients or claimants similarly situated, the Hearing Officer may, upon application by 1 of the recipients who is or will be so affected, allow a class action on behalf of the others

D.C. Code
§3-210.16

Similarly situated. The Hearing Officer, with the consent of the claimants, may consolidate hearings which present similar issues on his or her own motion at the request of the claimants.

(b) Whenever a claimant challenges a departmental policy or the administrative construction or interpretation of relevant statutes, regulations, orders, or departmental directives, and his or her claim for relief is granted by the Hearing Officer and the Mayor's agent because of a misapplication of law contained in the policy, construction or interpretation, the Mayor will correct the challenged policy, construction or interpretation.

(c) Whenever the Mayor changes a policy, construction or interpretation, he or she shall immediately make a reasonable effort to find and notify all applicants and recipients affected thereby, and shall make appropriate adjustments in the welfare benefits or decisions of the Mayor which were based on the erroneous policy or practice.

Sec. 1017. Confidentiality.

If the claimant waives in writing his or her privilege of confidentiality as to the hearing, he or she shall be permitted by the Mayor to invite to the hearing any reasonable number of members of the public he deems appropriate: PROVIDED, That the Hearing Officer may, in his discretion, considering the space and seating capacity of the room in which the hearing is to be held, impose limitations on the number of persons allowed to attend the same.

D.C. Code
§3-210.17

Sec. 1018. Notice.

When the reduction or termination is the result of information contained in a monthly report the recipient has filed, or of the recipient's failure to file a report, or file a complete report, under section 554, then the Mayor is required to follow the notice provisions of that section.

D.C. Code
§3-210.18

Sec. 1019. Assistance payments during pendency.

(a) Assistance under the GPA Program received pending the decision of the Mayor's agent shall not be considered as an overpayment, whether or not the proposed action by the Mayor's agent is sustained.

D.C. Code
§3-210.19

(b) Assistance under the AFDC Program received pending a hearing decision shall be considered as an overpayment if the proposed action to change or terminate benefits is sustained.

TITLE XI - MISCELLANEOUS PROVISIONS RELATING TO SPECIFIC PAYMENTS

Sec. 1101. Home repairs for run-down premises.

The Mayor may authorize an expenditure for repairs to a home which a recipient of AFDC, GPA, and AB owns

D.C. Code
§3-211.1

or is buying, when there has been no assignment or transfer to the District of such property, if:

(1) a determination has been made that (A) the home is so defective that continued occupancy is not warranted, (B) unless repairs are made the recipient would have to move to rental quarters, and (C) the rental cost of quarters for the recipient and his family over a period of 2 years would exceed the cost of repairs needed to make the home habitable together with other costs attributable to continued occupancy of the home; and

(2) there has been no expenditure for repairs prior to the determination described in paragraph (1).

Sec. 1102. Home repairs owing to liens, assignments, transfers.

D.C. Code
§3-211.2

The Mayor may authorize an expenditure for repairs to a home which a recipient of OAA, APTD, and AB owns or is buying, when there is a lien in favor of the District, or there has been an assignment or transfer of such property to the District prior to 1962, asserted to protect the interests of the District.

Sec. 1103. Federal financial participation in home repairs.

When the cost of repairs to the home of a recipient of OAA, AB, APTD, and AFDC exceeds \$500, federal financial participation of 50% shall be claimed only on that portion of the expenditure which does not exceed \$500. Federal financial participation shall not be claimed for expenditures for repairs to the home of a recipient of GPA.

D.C. Code
§3-211.3

Sec. 1104. Moving costs.

The Mayor may pay moving costs when necessary to enable a recipient of public assistance to move into public or private housing.

D.C. Code
§3-211.4

Sec. 1105. Authorization of payment for moving costs.

The payment may be authorized.

(1) as a money payment to the recipient when he or she makes his or her own arrangements for moving, or

D.C. Code
§3-211.5

(2) as a vendor payment to the moving firm when arrangements must be made by the Mayor.

TITLE XII - PAYMENTS TO INCAPACITATED INDIVIDUALS

Sec. 1201. Payment to incapacitated recipient.

Whenever a recipient has been found by the Mayor to be incapable of taking care of himself or herself, his or her property, or his or her money, and a person has been judicially appointed as legal representative, or a responsible person has been appointed by the Mayor, on behalf of such incapacitated individual for the purpose of receiving and managing such individual's

D.C. Code
§3-212.1

public assistance payments (whether or not he is such individual's legal representative for other purposes), public assistance payments may be made on behalf of such individual to such judicially appointed legal representative, or to such responsible person appointed by the Mayor.

Sec. 1202. Protective or vendor payments on behalf of dependent children.

(a) The Mayor may authorize protective or vendor payments on behalf of dependent children under the following conditions:

D.C. Code
§3-212.2

(1) It has been clearly determined that the parent or relative persistently mismanages the assistance payment to the detriment of the child as evidenced by such factors as the improper clothing and feeding of the children, failure to pay rent resulting in repeated evictions, and other similar indications of money mismanagement;

(2) The individual selected as payee for the family has demonstrated his or her interest and concern in the welfare of the family, has the ability to establish and maintain a positive relationship and help the family to make proper use of the assistance payment, and is a responsible and dependable person. Members of the staff of the Mayor or persons whose selection might create a conflict of interest, such as grocers or landlords, shall not be selected as payees.

(3) A determination has been made as to what requirements, if any, will be met by vendor payments to persons providing goods and services with, to the extent possible, the participation and consent of the AFDC relative.

(b) The Mayor, with the cooperation of the payee, will undertake and continue special efforts to develop greater ability on the part of the relative to manage funds in such manner as to protect the welfare of the family.

(c) The cases of AFDC children for whom protective or vendor payments are being made shall be reviewed at least every 6 months to determine whether there is a need to continue such payments, or, if the relative is considered able to manage funds in the best interest of the children, whether assistance can be resumed as a direct money payment.

(d) Provision will be made for termination of protective payments, or payments to a person furnishing goods or services, as follows:

(1) When relatives are considered able to manage funds in the best interest of the child, there will be a return to money payment status.

(2) When it appears that need for protective payments or payments to a person furnishing goods or services will continue or is likely to continue beyond 1 year because all efforts have not resulted in

sufficiently improved use of assistance in behalf of the child, judicial appointment of a guardian, or other legal representative will be sought and such payments will terminate when the appointment has been made.

(e) An opportunity for a fair hearing will be given to the relative of the children with respect to the determination of whether a protective or vendor payment should be made or continued, the selection of the payee, or if foster care should be provided.

(f) Federal financial participation for individuals receiving protective or vendor payments in any month is limited to 10% of all AFDC recipients, exclusive of persons for whom protective or vendor payments are made by reason of failure to participate in the Work Incentive Program.

Sec. 1203. Protective payments on behalf of adult recipients.

(a) The Mayor may authorize protective payments on behalf of adult recipients of public assistance under the following conditions:

D.C. Code
§3-212.3

(1) When there has been made clear determination that a needy individual has, by reason of physical or mental impairment, such inability to manage funds that making payments to him would be contrary to his or her welfare, as evidenced by his or her repeated failure to pay for rent and other essentials, exploitation of him or her in money matters by other persons, and medical or psychological reports indicating severe mental retardation, disorientation, or memory loss; and

(2) When the individual selected as payee has shown an interest in and concern for the welfare of the recipient, is accessible to the recipient, has the ability to establish and maintain a positive friendly relationship with the recipient, and is dependable and able to use the assistance payment in the best interests of the recipient. Members of the staff of the Mayor or persons whose selection might create a conflict of interest, such as grocers or landlords, shall not be selected as payees.

(b) The adult recipient shall be given the opportunity for a fair hearing with respect to any decision to make or continue protective payments or the selection of the payee.

(c) The Mayor will undertake and continue special efforts to improve, to the extent possible, the recipient's capacity for self-care and his or her ability to manage funds.

(d) Reconsideration of the need for protective payments shall be made as indicated by the recipient's circumstances and, in any event, at least every 6 months.

(e) The Mayor shall initiate court proceedings for the judicial appointment of a guardian or other

legal representative whenever it appears that such an appointment will best serve the interests of the recipient.

(f) The Mayor shall authorize protective payments only when the Mayor can meet total need for all cases based on on the current Standards for Requirements.

(g) Federal financial participation shall be claimed for protective payments in behalf of recipients of OAA, AB, and APTD. No federal financial participation may be claimed for recipients of GPA.

TITLE XIII - ACTIONS FOR SUPPORT FROM RESPONSIBLE RELATIVES

Sec. 1301. Action for support from responsible relatives.

(a) Responsible relatives for any applicant or recipient of public assistance shall be limited to spouse for spouse, and parent for a child under the age of 21, and their financial responsibility shall be based upon their ability to pay. Any such applicant or recipient of public assistance or person in need thereof, or the Mayor, may bring an action to require such financially responsible spouse or parent to provide such support, and the court shall have the power to make orders requiring such spouse or parent to pay such eligible applicant or recipient of public assistance such sums or sums of money in such installments as the court in its discretion may direct, and such orders may be enforced in the same manner as orders for alimony.

D.C. Code §3-213.1

(b) The Mayor may, on behalf of the District, sue such spouse or parent for the amount of public assistance granted to such recipient under this act or under any act repealed by this act, or for so much thereof as such spouse or parent is reasonably able to pay.

(c) All suits, actions, and court proceedings under this section shall be brought in the Family Division of the Superior Court of the District of Columbia, or in that court division which may subsequently exercise the jurisdiction exercised by the Family Division on the effective date of this act. To the extent applicable, suits, actions, and proceedings brought pursuant to this section shall be governed by the provisions of D.C. Code, secs. 11-1101 et seq. & 16-2301 et seq.

Sec. 1302. Income scale exemptions.

The Director shall apply the following income scale exemptions to determine the ability of a legally responsible relative, cited in section 101, to contribute to the support of a public assistance applicant or recipient, with the exception of a parent for a minor child or a spouse for the other spouse who

D.C. Code §3-213.2

is legally liable to support under other District statutes:

(a) Relative is the primary wage earner for his or her own family- Scale A

<u>Number of Persons Dependent Upon Income - Including Wage Earner</u>	<u>Net Annual Income Scale</u>
1	\$ 4,700
2	6,800
3	8,800
4	9,300
5	10,300
For each Additional Dependent	1,000

(b) Relative is supported by others but has an independent income- Scale B

<u>Number of Persons Dependent Upon Income - Including Wage Earner</u>	<u>Net Annual Income Scale</u>
1	\$2,350
2	2,850
For each Additional Dependent	500

Sec. 1303. Basis for computation of relative's contribution

(a) Net income for this purpose shall be total income minus taxes, Social Security, retirement, and insurance deducted by the employer.

D.C. Code
§3-213.3

(b) The dollar amount of the following extraordinary expenses shall be added to the exemption for dependents before determining the relative's expected contribution:

- (1) Medical and dental expenses in excess of 3% of gross and annual income.
- (2) Debts remaining after long unemployment or illness accrued as a result of such unemployment or illness.
- (3) Cost of establishment of home after fire or forced moving.
- (4) Reasonable educational expenses beyond secondary school.
- (5) Other unusual expenses as approved by the Mayor.

(c) The expected contribution is one-half of any excess after allowable exemptions have been considered. Computation shall be to the nearest dollar.

(d) No contribution is required if the amount is less than \$5 per month. Any amount which is regularly contributed each month shall be counted as a resource.

(e) The employed mother and father of an adult recipient may combine their incomes in determining their expected contribution.

(f) When the relative is an employed daughter whose husband is not employed full time, Income Scale A is used.

Sec. 1304. Dependents of a legally responsible relative.

D.C. Code §3-213.4

Dependents of a legally responsible relative are defined as:

(a) All persons dependent upon the income of the relative excluding the public assistance applicant or recipient; the support of persons claimed as dependents who do not live in the relative's household must be verified.

(b) The employed wife of a responsible relative when her income is added to his in determining the contribution according to Income Scale A.

(c) When Income Scale B is used, all of the persons included in subsection (a) plus the employed husband or relative.

Sec. 1305. Noncompliance.

Whenever a responsible relative fails to provide information necessary to determine his ability to support, or when it has been determined that he is financially able to but has not contributed to the person in need of assistance, the case shall be evaluated for appropriate action including referral to Corporation Counsel.

D.C. Code §3-213.5

Sec. 1306. Verification of relative's ability to contribute.

The ability of responsible relatives to contribute shall be determined through verification of earnings and other income at time of application, and whenever circumstances indicate the need to do so, but in no case less frequently than once every 12 months.

D.C. Code §3-213.6

TITLE XIV - DISTRICT OF COLUMBIA CLAIMS OF SUPPORT FROM ESTATES AND FUNERAL EXPENSES

Sec. 1401. Claim of District against estate of recipient; lien in favor of District; payment of share to United States.

D.C. Code §3-214.1

(a) At the death of any person who has received public assistance in the form of old-age assistance, or aid to the disabled pursuant to the provisions of this act, or of any act repealed by this act, the District shall have a preferred claim for the amount of any such public assistance against the estate of the deceased recipient. Notwithstanding the provisions of any other law, no statute of limitations shall be deemed

applicable as a defense to any claim of the District made pursuant to this section. The Mayor may waive any such claim when in his or her judgment he or she deems it appropriate to do so.

(b) In addition to the remedy provided by subsection (a) of this section, or by any other provision of law, the Mayor may file a notice in the Office of the Recorder of Deeds in any case where public assistance in the form of old-age assistance or aid to the disabled is granted to any person under this act, and such notice shall constitute and have the effect of a lien in favor of the District against the real and personal property of such person for the amount of such public assistance which theretofore has been granted or which may thereafter be granted to, or on behalf of, such persons. Any such lien may be enforced by the proceeding filed in the Superior Court of the District of Columbia. The Mayor shall file in the Office of the Recorder of Deeds a release of any such real and personal property from the effect of such lien wherever there has been repaid to the District the amount of the public assistance theretofore granted to, or on behalf of, such person. The Mayor is also authorized to release any such lien when in his or her judgment he or she deems it appropriate to do so. Such notices and release may be filed without payment of fees.

(c) If the District collects from any recipient of public assistance in the form of old-age assistance or aid to the disabled or from his estate, or otherwise, any amount with respect to public assistance furnished him or her under this act, the pro rata share to which the United States is equitably entitled shall be paid to the United States in accordance with the provisions of the Social Security Act, as amended (42 U.S.C. secs. 303, 603, 1203, 1353). The pro rata share due the District shall be deposited as miscellaneous receipts to the credit of the District.

Sec. 1402. Funeral expenses - payment.

On the death of a recipient, reasonable funeral expenses may be paid, subject to rules approved by the Council.

D.C. Code
§3-214.2

Sec. 1403. Funeral expenses - indigent residents; wards of the District.

(a) The Mayor may, pursuant to section 1404, provide for the payment of reasonable funeral and burial expenses of indigent residents of the District and of persons under the care and custody of the District.

D.C. Code
§3-214.3

Sec. 1404. Funeral allowance

(a) The family of the deceased may choose a funeral director or establishment to provide a funeral service from a list of firms who have signed agreements with the Mayor to provide such services. The Mayor may

D.C. Code
§3-214.4

pay a maximum of \$750 for a complete adult funeral service including the burial plot. A maximum of \$40 in private funds may be contributed to purchase flowers, a memorial book, and an obituary notice. No other additional payment is permitted.

(b) The Mayor shall define a complete adult, infant, and child funeral service and a cremation service. The Mayor shall also establish a schedule of lower maximum payments for infant and child funeral services and a cremation service.

(c) The Mayor may annually adjust the amount to be paid for each funeral service including burial plot, in a manner which reflects but does not exceed the rate of change in the Consumer Price Index, as defined by the United States Department of Labor, Bureau of Labor, Bureau of Labor Statistics, during the 12 months immediately preceding such adjustment.

(d) The Mayor shall monitor the provider of funeral services to insure that complete, dignified, and high-quality funeral services are provided.

(e) Nothing in this section shall be construed as repealing or in any way modifying any provision of An Act for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia, approved April 29, 1902 (32 Stat. 173; D.C. Code, secs. 2-1401 - -2-1409), An Act to provide for the establishment of a public crematorium in the District of Columbia, and for other purposes, approved April 20, 1906 (34 Stat. 123; D.C. Code, sec. 27-130), or An Act To amend an Act to provide for the establishment of a public crematorium in the District of Columbia, approved December 4, 1967 (81 Stat. 532; D.C. Code, sec. 27-130).

TITLE XV - ASSIGNMENT OF PUBLIC ASSISTANCE NOT ALLOWED

Sec. 1501. Awards are nontransferable, nonessential, and immune from legal process.

Public assistance awarded under this act shall not be transferable or assignable at law or in equity, and none of the money paid or payable to any recipient under this act shall be subject to execution, levy, attachment, garnishment, or other legal process, or the operation of any bankruptcy or insolvency law.

D.C. Code
§3-215.1

TITLE XVI - RECORD KEEPING REQUIREMENTS

Sec. 1601. Records.

(a) The Council is directed to prescribe regulations governing the custody, use, and preservation of the records, papers, files, and communications of the Mayor relating to public assistance. Except as restricting the use or disclosure of information concerning applicants for, or

D.C. Code
§3-216.1

recipients of, public assistance to purposes directly connected with the administration of public assistance. The Council may in its discretion include in such regulations provision for the public to have access to the records of disbursements or payment of public assistance made after the effective date of this act.

(b) No person who obtains information by virtue of any regulation made pursuant to subsection (a) shall use such information for commercial or political purposes.

(c) This section and section 1802 shall be construed as state legislation conforming to the requirements of section 618 of the Revenue Act of 1951, approved October 20, 1951 (65 Stat. 569; 42 U.S.C. sec. 1306a).

TITLE XVII - FOSTER CARE

Sec. 1701. Requirements for foster care benefits.

The Mayor shall, effective July 1, 1969, provide aid to dependent children in the form of foster care when removal of a child from the home of a parent or relative results from judicial determination that continuation in such home is contrary to the child's welfare, provided:

D.C. Code
§3-217.1

(a) the child received AFDC in or for the month in which court proceedings leading to such a determination were initiated; or

(b) the child was living with a relative within 6 months prior to the month such proceedings were initiated and would have received such aid had application been made in his behalf.

Sec. 1702. Types of foster care institutions.

Foster care shall be provided in a foster family home or in a child-care institution, whichever best meets the needs of the individual child. The Mayor, in providing such care, may use foster family homes and child-care institutions outside the District of Columbia, provided that such homes and institutions are licensed by the State in which they are located or are approved to meet the standards established by the State for such foster family homes or institutions.

D.C. Code
§3-217.2

Sec. 1703. Administration of foster care benefits.

D.C. Code
§3-217.3

The Mayor shall:

(a) review the plan for each child periodically, but no less frequently than once each year, to assure that he receives proper care and to determine the appropriateness and continued need for placement, and

(b) provide services which are designed to improve conditions in the home from which the child was removed and effect his return, or otherwise to make possible his being placed in the home of a relative as

specified in the Social Security Act, approved August 14, 1935 (49 Stat. 620; 42 U.S.C. sec. 301 et seq.).

Sec. 1704. Federal financial participation.

The Mayor shall claim Federal financial participation for foster care payments to the fullest extent permissible under the provisions of the Social Security Act, approved August 14, 1935 (49 Stat. 620; 42 U.S.C. sec. 301 et seq.).

D.C. Code
§3-217.4

Sec. 1705. Disregards.

The Mayor in determining the need for public assistance, shall permit:

D.C. Code
§3-217.5

(a) applicants for, or recipients of, GPA to retain liquid assets not to exceed \$300 for a 1-person assistance unit, or \$500 for a 2-person assistance unit, whether or not each is eligible in his own right to receive assistance. Personal property, family home, and the equity value of one car (up to a value of \$1500) shall not be considered liquid assets.

(b) applicants for, or recipients of, AFDC to retain resources up to a total value of \$1000 for the assistance unit. The value shall be reduced by any obligations or debts with respect to such resources. The value of a home which is the usual residence of the assistance unit, equity value of 1 car (up to a total of \$1500), and basic maintenance items essential to day-to-day living (to be defined by the Mayor) shall not be considered resources for purposes of this section.

(c) if any real or personal property, including liquid assets, is jointly owned by a member of an assistance unit and another person who is not a member of an assistance unit, the value shall be divided equally among the co-owners and only the portion of the assistance unit member(s) shall be considered as available.

Sec. 1706. Monies applied to the purchase of an essential article.

Monies saved from the monthly public assistance payment to be applied to the purchase of an article essential for personal or household maintenance shall not be considered as a part of the permissible cash reserve.

D.C. Code
§3-217.6

Sec. 1707. Condition of eligibility - Social Security number; assignment of rights.

D.C. Code
§3-217.7

As a condition of eligibility, each applicant for or recipient of aid, including each child under the AFDC, Emergency Assistance, or AFDC Foster Assistance programs operated pursuant to Title IV-A of the Social Security Act, approved August 14, 1935 (49 Stat. 620; 42 U.S.C. sec. 301 et seq.) shall be required to:

(a) Furnish to the Mayor a social security account number, or to apply for a social security number if such a number has not been issued or is not known, and

(b) Assign to the District of Columbia support rights, including accrued support rights from any other person that such applicant or recipient may have in his or her own behalf, or in behalf of any other family member from whom the applicant or recipient is applying for or receiving aid.

Sec. 1708. Condition of eligibility - cooperation in identifying parents, establishing paternity, obtaining support payments, and other payments.

D.C. Code
§3-217.8

As a condition of eligibility for assistance under programs specified in section 1707, each applicant for or recipient of assistance shall be required to cooperate with the District of Columbia in:

- (a) identifying and locating the parent of a child with respect to whom aid is claimed;
- (b) establishing the paternity of a child born out of wedlock with respect to whom aid is claimed;
- (c) obtaining support payments for such applicant, recipient, or child with respect to whom aid is claimed; and
- (d) obtaining any other payment or property due such applicant, recipient, or such child.

Sec. 1709. Condition of eligibility exception.

An applicant for or recipient of aid shall be required to comply with the requirements of section 1708, unless such applicant or recipient is found to have good cause for refusing to so cooperate as determined by the Mayor, in accordance with standards prescribed by the Secretary of Health and Human Services, and which standards shall take into consideration the best interests of the child on whose behalf aid is claimed.

D.C. Code
§3-217.9

Sec. 1710. Failure to comply with conditions of eligibility.

If any relative with whom a child is living fails to comply with the conditions of eligibility set out in sections 1708 and 1709, such relative will be denied eligibility without regard to other factors.

D.C. Code
§3-217.10

Sec. 1711. Protective or vendor payments.

If the relative with whom the child is living is found to be ineligible for assistance because of failure to comply with conditions of sections 1708 and 1709, any aid for which such child is eligible (determined without regard to the needs of the ineligible relative) shall be provided in the form of protective or vendor payments.

D.C. Code
§3-217.11

TITLE XVIII - CRIMINAL PROVISIONS

Sec. 1801. Fraud in obtaining public assistance; repayment.

D.C. Code
§3-218.1

(a) Any person who, by means of false statement, failure to disclose information, or impersonation, or by other fraudulent device, obtains or attempts to

obtain or any person who knowingly aids or abets such person in the obtaining or attempting to obtain: (1) any grant or payment of public assistance to which he is not entitled; (2) a larger amount of public assistance than that to which he or she is entitled; (3) payment of any forfeited grant of public assistance; or (4) a public assistance identification card, or any person who with intent to defraud the District aids or abets in the buying or in any way disposing of the real property of a recipient of public assistance, shall be guilty of a misdemeanor and shall be sentenced to pay a fine of not more than \$500, or to imprisonment not to exceed 1 year, or both.

(b) Any person who obtains any payment of public assistance to which he is not entitled, or in excess of that to which he is entitled shall be liable to repay such sum, or if continued on assistance, shall have future grants proportionately reduced until the excess amount received has been repaid. In any case in which, under this section, a person is liable to repay any sum, such sum may be collected without interest by civil action brought in the name of the District. Any repayment of General Public Assistance required by this subsection may, in the discretion of the Mayor, be waived in whole or in part, upon a finding by the Mayor that such repayment would deprive such person, his spouse, parent, or child of shelter or subsistence needed to enable such person, spouse, parent, or child to maintain a minimum standard of health and well-being. Collections of overpayments from AFDC recipients shall be made in accordance with 45 CFR 233.20(a)(13).

Sec. 1802. Penalty for violation of section 1801(b); prosecutions.

Any person violating section 1801(b) shall be punished by a fine of not more than \$500, or by imprisonment of not more than 90 days, or by both such fine and imprisonment. Prosecutions for such violations and for violations of section 1801(a) shall be brought to the Superior Court of the District of Columbia by the Corporation Counsel or any of his or her assistants.

Sec. 1803. Penalty for unauthorized use of identification card.

Any person who sells a public assistance identification card, or otherwise permits any person other than the recipient to whom it was issued to use such card to obtain public assistance which such user is not otherwise eligible to receive, shall be fined not more than \$500, or imprisoned for not longer than 1 year, or both.

D.C. Code
§3-218.2

D.C. Code
§3-218.3

Sec. 1901. Appropriations.

(a) The Mayor shall include in his or her annual estimates of appropriations such sums as may be needed to carry out the provisions of this act.

D.C. Code
§3-219.1

(b) Unobligated balances of appropriations for the Department of Human Services, established by Organization Plan No. 2 of 1979, are made available for the purposes of this act.

Sec. 1902. Disbursement of expenses.

All necessary expenses incurred by the District in carrying out the provisions of this act shall be disbursed in the same manner as other expenses of the District are disbursed.

D.C. Code
§3-219.2

TITLE XX - AMENDMENTS TO OTHER ACTS

Sec. 2001. Amendments.

Section 2(b)(4) of the Clinical Health Services Act of 1977, effective June 15, 1977 (D.C. Law 2-9; D.C. Code, sec. 32-119(b)) is amended to read as follows:

D.C. Code
§32-119

"(4) services to persons who are receiving assistance under title VII of the District of Columbia Public Assistance Act of 1982 and who do not receive assistance under Medicaid."

All citations
are to the
D.C. Code 1981 ed.

TITLE XXI - REPEALERS; NONREVIVAL OF PREVIOUSLY REPEALED ACTS, REGULATIONS, RULES, COMMISSIONERS' ORDERS, AND COMMISSIONER'S ORDERS; NONABATEMENT OF CAUSES OF ACTION

Sec. 2101. Repealers.

(a) The following laws are repealed:

D.C. Code
§§3-201 to 3-224
REPEALED

(1) The District of Columbia Public Assistance Act of 1962, approved October 15, 1962 (76 Stat. 914; D.C. Code, sec. 3-201 et seq.);

(2) The act to amend the District of Columbia Public Assistance Act of 1962, effective May 22, 1975 (D.C. Law 1-5; 21 DCR 3949);

(3) The act to amend Act 1-29, entitled "To amend the provisions of the Standards of Assistance of the District of Columbia relating to special living arrangements", effective November 1, 1975 (D.C. Law 1-35; 22 DCR 1759);

Certain provisions
of D.C. Rules &
Regulations (DCRR)
and DCMR repealed

(4) The District of Columbia Paternity and Child Support Amendment Act, effective March 29, 1977 (D.C. Law 1-92; 23 DCR 3051);

(5) The District of Columbia Public Assistance Regulation Revising the Definition of Certain Terms of the Financial and Medical Assistance Programs, effective April 13, 1977 (D.C. Law 1-108; 23 DCR 4945);

(6) The Increase of Public Assistance Payment Act of 1976, effective April 7, 1977 (D.C. Law 1-116; 23 DCR 5053);

- (7) The General Public Assistance for Unemployables (G-U) Benefits Limitation Act of 1977, effective June 15, 1977 (D.C. Law 2-10; 24 DCR 1216);
- (8) The Standards of Assistance Relating to Persons Residing in Community Residence Facilities Act of 1978, effective September 28, 1978 (D.C. Law 2-108; 25 DCR 1453);
- (9) The Standards of Assistance Relating to Persons Residing in Community Residence Facilities Act of 1979, effective September 28, 1979 (D.C. Law 3-23; 26 DCR 402);
- (10) The Choice of Undertaker Act of 1979, effective January 5, 1980 (D.C. Law 3-47; 26 DCR 2315);
- (11) The Aid to Families with Dependent Children Federal Conformity Temporary Act of 1981, effective December 10, 1981 (D.C. Law 4-53; 28 DCR 4630); and
- (12) The Aid to Families with Dependent Children Federal Conformity Act of 1981, signed by the Mayor of the District of Columbia on December 21, 1981 (D.C. Act 4-133).
- (b) The following regulations of the City Council of the District of Columbia are repealed:
- (1) The Regulation establishing earnings exemptions, etc. under AFDC, enacted June 11, 1968 (Reg. 68-11; 15 DCR 42);
 - (2) The Regulation governing hearings requested by public assistance applicants and recipients, enacted September 27, 1968 (Reg. 68-20; 15 DCR 80);
 - (3) The Regulation to establish policy governing the reduction and termination of public assistance payments, enacted November 27, 1968 (Reg. 68-28; 15 DCR 128);
 - (4) The Regulation authorizing the Department of Public Welfare to claim Federal financial participation in the administration of programs to provide emergency assistance to needy families with children, enacted November 15, 1968 (Reg. 68-28a; 6B DCRR);
 - (5) The Regulation ordering a revision in policy concerning supplemental payments and correction of underpayments, enacted January 7, 1969 (Reg. 69-1; 15 DCR 154);
 - (6) The Regulation to revise policy concerning disregarding certain earned income in determining need for Aid to Families with Dependent Children, enacted January 7, 1969 (Reg. 69-2; 15 DCR 153);
 - (7) The Regulation to establish policy concerning contributions from nonlegally responsible relatives living with recipients of public assistance, enacted January 6, 1969 (Reg. 69-3; 15 DCR 154);
 - (8) The Regulation to increase the allowance per month for personal and household requirements in Aid to Families with Dependent Children and General Public Assistance, enacted January 7, 1969 (Reg. 69-4; 15 DCR 154);

Rules and
Regulations
REPEALED

(9) The Regulation to authorize the Department of Public Welfare to pay moving costs to enable public assistance recipients to obtain public housing, enacted April 1, 1969 (Reg. 69-19; 15 DCR 217);

(10) The Regulation to revise policy concerning contributions from nonlegally responsible relatives living with recipients of public assistance, enacted June 26, 1969 (Reg. 69-22; 16 DCR 17);

(11) The Regulation to establish policy governing protective and vendor payments to public assistance recipients, enacted June 26, 1969 (Reg. 69-23; 16 DCR 16);

(12) The Regulation to disregard certain payments to public assistance recipients under the Economic Opportunity Act and the Manpower Development and Training Act, and to disregard income from any source to the extent permitted by the Social Security Act, enacted June 26, 1969 (Reg. 69-24; 16 DCR 15);

(13) The Regulation to Establish a Standard for Promptness in Disposing of An Application for Public Assistance, enacted July 25, 1969 (Reg. 69-26; 16 DCR 38);

(14) The Regulation to Establish Policy Governing Payment for Repairs to a Home owned By an Individual Who is Receiving Public Assistance, enacted July 25, 1969 (Reg. 69-27; 16 DCR 38);

(15) The Regulation to Prohibit a Durational Residence Requirement as a Condition for Receiving Public Assistance, enacted August 8, 1969 (Reg. 69-29; 16 DCR 45);

(16) The Regulation to Authorize the Department of Public Welfare to Use the Principle of Family Budgeting in Determining the Amount of Total Assistance to Families Receiving More Than Assistance Payment, enacted August 8, 1969 (Reg. 69-30; 16 DCR 44);

(17) The Regulation to establish policy concerning action by the Department of Public Welfare when a client refuses admission to or inspection of his home, enacted September 25, 1969 (Reg. 69-37; 16 DCR 70);

(18) The Regulation to establish policy in all public assistance programs when an applicant for or recipient of public assistance obtains a loan or grant for purposes other than current living costs, enacted October 17, 1969 (Reg. 69-40);

(19) The Regulation Authorizing the Department of Public Welfare to Provide Aid to Dependent Children in the Form of Foster Care Under Title IV, Part A, of the Social Security Act, enacted October 31, 1969 (Reg. 69-49; 16 DCR 143);

(20) The REGULATION TO REVISE POLICY CONCERNING THE RETENTION OF A CASH RESERVE BY PUBLIC ASSISTANCE APPLICANTS AND RECIPIENTS, enacted October 31, 1969 (Reg. 69-50; 16 DCR 144);

(21) The REGULATION TO AMEND REGULATION NO. 69-19 RELATING TO THE PAYMENT OF MOVING COSTS TO RECIPIENTS OF PUBLIC ASSISTANCE OBTAINING PUBLIC HOUSING, enacted October 31, 1969 (Reg. 69-51; 16 DCR 144);

(22) The Regulation to revise the Department of Public Welfare's Standard for Requirements for public assistance recipients, enacted October 31, 1969 (Reg. 69-57; 6B DCRR);

(23) The Regulation to revise the income scale to determine the ability of legally responsible relatives to support persons in need of public assistance, enacted December 31, 1969 (Reg. 69-58; 16 DCR 209);

(24) The Regulation concerning the Revision of Policies Relating to Methods of Applying the Standard for Requirements for Recipients of Public Assistance, enacted December 31, 1969 (Reg. 69-59; 6B DCRR);

(25) The Regulation to Authorize the Department of Public Welfare to issue public assistance checks in the exact amount in dollars and cents, enacted March 26, 1970 (Reg. 70-9; 16 DCR 387);

(26) The Regulation to permit the Department of Public Welfare to disregard work incentive allowances paid by the Department of Vocational Rehabilitation to disabled public assistance recipients who are training for employment, enacted March 26, 1970 (Reg. 70-12; 16 DCR 387);

(27) The Regulation concerning the Disregarding of Certain Monthly Social Security Insurance Benefits in Determining Public Assistance Needs, enacted March 26, 1970 (Reg. 70-27; 17 DCR 15);

(28) The Regulation Establishing the Eligibility Requirements For The Aid To Families With Dependent Children Program, Needs, enacted July 9, 1970 (Reg. 70-29; 17 DCR 46);

(29) The REGULATION TO REVISE THE STANDARD FOR REQUIREMENTS FOR PUBLIC ASSISTANCE RECIPIENTS, enacted July 7, 1970 (Reg. 70-36; 17 DCR 49);

(30) The REGULATION TO ESTABLISH POLICIES GOVERNING RESOURCES OF PERSONS APPLYING FOR OR RECEIVING PUBLIC ASSISTANCE, enacted January 4, 1971 (Reg. 71-2; 17 DCR 481);

(31) The Regulation to Establish Policies Governing Accrued Statutory Benefits and Lump-Sum Payments or Settlements, enacted May 6, 1971 (Reg. 71-17; 17 DCR 756);

(32) The REGULATION TO DISREGARD AS A RESOURCE CERTAIN INCOME OF APPLICANTS FOR RECIPIENTS OF PUBLIC ASSISTANCE, enacted January 4, 1971 (Reg. 71-24; 18 DCR 80);

(33) The REGULATION PRESCRIBING GUIDELINES FOR CARE AND PROTECTION OF DEPENDENT CHILDREN, enacted September 18, 1971 (Reg. 71-29; 18 DCR 197);

(34) The REGULATION DEFINING DISABILITY AND INCAPACITY, enacted February 26, 1972 (Reg. 72-4; 18 DCR 492);

(35) The REGULATION TO ESTABLISH AND APPLY STANDARDS OF ASSISTANCE FOR PUBLIC ASSISTANCE APPLICANTS AND RECIPIENTS, enacted September 12, 1972 (Reg. 72-17; 19 DCR 211);

(36) The REGULATION TO ESTABLISH AND APPLY STANDARDS OF ASSISTANCE FOR PUBLIC ASSISTANCE APPLICANTS AND RECIPIENTS (FLAT GRANTS), enacted February 13, 1972 (Reg. 73-3; 19 DCR 641);

(37) The Regulation concerning the AMENDMENTS TO THE REGULATION TO ESTABLISH AND APPLY STANDARDS OF ASSISTANCE FOR PUBLIC ASSISTANCE APPLICANTS AND RECIPIENTS enacted December 27, 1974 (Reg. 74-42; 21 DCR 1524); and

(38) The REGULATION TO MODIFY THE TIME STANDARD FOR PROCESSING APPLICATIONS FOR PUBLIC AND MEDICAL ASSISTANCE, enacted December 27, 1974 (Reg. 74-46; 21 DCR 1526).

(c) All District of Columbia regulations, parts of regulations, 6B DCCR, and all Commissioner's or Commissioners' Orders, inconsistent with the amendments or additions made by this act, are repealed.

Sec. 2102. Nonrevival of formerly repealed laws, acts, regulations, commissioner's orders, commissioners' orders, and administrative orders; effect of amendments.

(a) The provisions of this title shall not cause the revival of any law, act, regulation, commissioner's order, commissioners' order, or administrative order (for the purposes of this title and title XXIII, "public enactment") previously repealed or superceded.

D.C. Code §3-220.1

(b) Any amendment to a law effected by a law, act, regulation, commissioner's order, commissioners' order, or administrative order in section 2101 to a public enactment not therein contained shall be considered as having been made on the date of the original enactment of such public enactment and shall continue in effect.

(c) Public enactments repealed by section 2101 shall be considered to have been in effect from their date of original enactment until the effective date of this act as provided in title XXIII.

Sec. 2103. Nonabatement of causes of action.

The enactment of this act shall not cause the abatement of any causes of action affecting public enactments repealed by this title.

D.C. Code §3-220.2

Sec. 2104. No entitlements established; exception.

Except as provided in section 552, no new rights or entitlements are created by this act.

D.C. Code §3-220.3

Public enactments (as defined in section 2102(a))
have been codified in this act as follows:

DISPOSITION TABLE

(Laws and regulations in effect, January 26, 1982)

<u>Original Provision</u>	<u>Section of Bill 4-369</u>
<u>D.C. Code, Sec.</u>	
3-201	101
3-202	
(a)	201
(b) except (b) (2)	202
(b) (2)	204
3-203	501; generally deleted
3-204	405
3-205	544
3-206	561
3-207	
(a) - (c)	901
(d)	1803
3-208	801
3-209	1201
3-210	601
3-211	553
3-212	1701
3-213	1802
3-214	1402
3-215	1403
3-216	1001
3-217	1501
3-218	1801
3-219	1401
3-220	1301
3-221	1902
3-222	203
3-223	1901
3-224	Deleted

Uncodified D.C. Laws

1-74

- 1 Deleted
- 2 552
- 3 Deleted
- 4 Deleted

1-92

- 1 Deleted
- 2 1707
- 3 1708
- 4 1709
- 5 1710
- 6 1711
- 7 Deleted
- 8 Deleted

1-108

- 1 Deleted
- 2 542

3-3

- 1 Deleted
- 2 552
- 3 Deleted

Act 4-133

- 107 543
- 501 701
- 502 702
- 503 703
- 504 704
- 505 2001
- 601
- (a) 2101
- (b) Deleted
- 602 2201

Regulation No.

68-20

1	1002
2	1003
3	1004
4	1005
5	1006
6	1007
7	1008
8	1009
9	1010
10	1011
11	1012
12	1013
13	1014
14	1015
15	1016
16	1017
17	560
18	Deleted
19	Deleted

68-28

1	555
2	556
3	557
4	558
5	559
6	1019
7	Deleted
8	Deleted
9	1018

68-28a

1	602
2	603
3	604
4	605
5	Deleted

Regulation No.

69-1

1	1	802
2	2	803
3	3	Deleted
4	4	Deleted
	5	Deleted

69-3

1		
2	1	514
3	3	515
4	4	516
	5	Deleted
	6	Deleted

69-19

1		
2		
3	1	1104
4	2	1105
5	3	Deleted

69-23

2	1	1202
4	2	1203
	3	Deleted

69-24

1		
2	1	401
3	3	402
	4	403
	5	404
	6	Deleted

Regulation No.

69-26

1	526
2	527
3	Deleted
4	Deleted

69-27

1	1101
2	1102
3	1103
4	Deleted

69-29

1	502
2	503
3	504
4	Deleted
5	Deleted

69-30

2	528
4	Deleted

69-37

1	902
2	903
3	Deleted

Regulation No.

69-40

1	529
2	Deleted

69-49

1	1701
2	1702
3	1703
4	1704
5	Deleted

69-50

1	1705
2	1706
3	Deleted
4	Deleted

69-58

1	1302
2	1303
3	1304
4	1305
5	1304
6	Deleted
7	Deleted

69-59

1	545
2	546
3	547
4	Deleted
5	Deleted

Regulation No.

70-9

1	804
2	Deleted
3	Deleted

70-12

1	536
2	Deleted

70-29

1	517
2	518
3	519
5	520
6	521
7	522
8	523
9	Deleted
9a	524
9b	525
9c	554
10	Deleted

71-2

1	537
3	538
4a	539
5	540
6	541
7	Deleted
8	Deleted

Regulation No.

71-24

1	505
2	506
3	507
4	508
5	509
6	510
7	511
8	512
10	513
11	Deleted
12	Deleted
13	Deleted

71-29

1	301
2	302
3	303
4	304
5	Deleted
6	Deleted

72-17

1	548
3	549
4	550
5	
(b)	Deleted
(c)	551
6	Deleted
7	Deleted

TITLE XXII - SEVERABILITY PROVISIONS

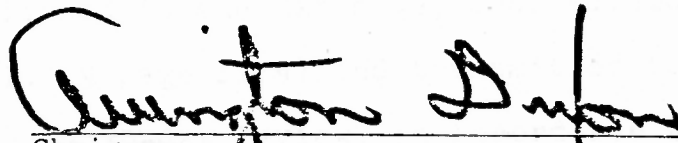
Sec. 2201. Severability.

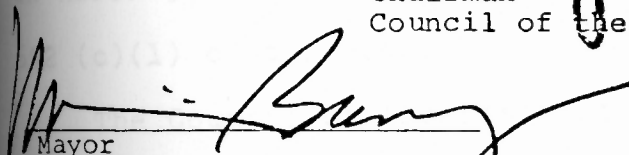
Should a court of competent jurisdiction hold any provision of this act to be invalid, then the remaining provision of the act shall be considered to be severable and given full effect.

D.C. Code §3-221.1

TITLE XXIV - EFFECTIVE DATE PROVISION

Sec. 2401. Effective date. This act shall take effect after a thirty (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, sec. 1-233(c)(1)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: February 22, 1982

Introduced as Bill 4-369 by
Chairman Dixon at the request
of the Mayor on December 7, 1981

FIRST READING: 1-12-82; Adopted by unanimous
voice vote; all present.

FINAL READING: 1-26-82; Adopted by unanimous
voice vote; Wilson absent.

Transmitted to the Mayor: February 8, 1982