

A BILL

25-49

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the District of Columbia Housing Authority Act of 1999 to allow applicants for local rent supplement vouchers to self-certify eligibility factors and to prohibit the Housing Authority from inquiring into an applicant’s immigration status or prior criminal arrests, convictions, or pending criminal matters, aside from specific circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Local Rent Supplement Program Eligibility Amendment Act of 2024”.

Sec. 2. The District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-201 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-201) is amended by inserting a new paragraph (12A) to read as follows:

“(12A) “Criminal background information” means information about criminal arrests, criminal convictions, or pending criminal matters.”.

(b) Section 26a (D.C. Official Code § 6-226) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “The assistance under this section, section 26b, and section 26c” and inserting the phrase “Rent Supplement Program assistance” in its place.

(2) Subsection (b) is amended as follows:

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27 (A) Paragraph (1) is amended by striking the phrase “the program’s” and  
28 inserting the phrase “the Rent Supplement Program’s” in its place.

29 (B) Paragraph (2) is amended by striking the phrase “the program’s” and  
30 inserting the phrase “the Rent Supplement Program’s” in its place.

31 (C) Paragraph (3) is amended by striking the phrase “tenant-based voucher  
32 assistance” and inserting the phrase “tenant-based Rent Supplement Program voucher assistance”  
33 in its place.

34 (3) Subsection (c) is amended to read as follows:

35 “(c) Except as otherwise provided in District law, the Authority shall administer the Rent  
36 Supplement Program according to the same policies and procedures as the federal Housing  
37 Choice Voucher Program, including any administrative plan regulations that the Authority  
38 promulgates pursuant to federal law, as applicable. The Authority shall promulgate any  
39 additional rules, which are specific to the Rent Supplement Program and are needed to conform  
40 to District law, including the eligibility requirements in section 26d-4 and the limitation to  
41 extremely low-income households. Such additional rules shall be submitted to the Council for a  
42 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council  
43 recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by  
44 resolution within this 45-day review period, the proposed rules shall be deemed approved.  
45 Nothing in this subsection shall be interpreted to limit the applicability of section 26d-4 prior to  
46 the promulgation of such additional rules.

47 (c) Section 26b(c) (D.C. Official Code § 6-227(c)) is repealed.

48 (d) A new section 26d-4 is inserted to read as follows:

49 “Sec. 26d-4. Rent Supplement Program Eligibility and Rules.

50 “(a)(1) Except as provided in this subsection, the Authority shall not inquire about or  
51 consider any information about citizenship, immigration status, or criminal background  
52 information for the purposes of eligibility, admission, or continued participation in the Rent  
53 Supplement Program.

54 “(2) If a housing unit supported with Rent Supplement Program assistance also  
55 receives federal subsidies that are limited based on a participant’s citizenship, immigration  
56 status, or criminal background information, then the Authority or any partner organizations  
57 involved in administering the Rent Supplement Program assistance may inquire into and  
58 consider such information about a participant to the extent necessary to establish the participant’s  
59 eligibility for the unit.

60 “(3)(A) The Authority may inquire about or consider criminal background  
61 information for purposes of continued participation in the Rent Supplement Program if the  
62 Authority establishes, through a preponderance of evidence, that a person has engaged in  
63 criminal activity while participating in the Rent Supplement Program and that the person’s  
64 continued participation in the Rent Supplement Program would threaten the safety and well-  
65 being of other residents. The Authority shall not terminate a person’s participation in the Rent  
66 Supplement Program based solely on a criminal arrest.

67 “(B) If the Authority terminates a person’s Rent Supplement Program  
68 participation pursuant to this paragraph, then the Authority shall seek the person’s consent to

69 disclose the termination and the basis for the termination to the Department of Human Services  
70 and the Department of Behavioral Health for purposes of facilitating continuity of support. If the  
71 person provides such consent, the Authority shall make such disclosure within 2 business days of  
72 the termination.

73 “(b)(1) Except as provided in this subsection, the Authority shall allow a Rent  
74 Supplement Program applicant or participant to self-certify any required eligibility or admission  
75 factors when neither the applicant or participant nor the Authority can easily obtain verification  
76 documentation.

77 “(2) If a person relies on self-certification for purposes of identification, the  
78 Authority shall provide the person with contact information for service provider organizations  
79 that may be able to assist with securing identity documentation. The Authority may require  
80 documentation of a participant’s identification for purposes of a routine recertification; provided,  
81 that the Authority must first provide notice to the participant of the documentation the Authority  
82 requires in accordance with its recertification notice regulations.

83 “(3) The Authority may rely on verifiable evidence that contradicts an applicant  
84 or participant’s self-certification; provided, that the Authority must provide the applicant or  
85 resident with a copy of the evidence and a meaningful opportunity to contest it.

86 “(c) Nothing in this section shall be construed to constrain the Authority’s administration  
87 of federal funds, including the Housing Choice Voucher program.”.

88 Sec. 3. Fiscal impact statement.

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89           The Council adopts the fiscal impact statement in the committee report as the fiscal  
90 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
91 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

92           Sec. 4. Effective date.

93           This act shall take effect following approval by the Mayor (or in the event of veto by the  
94 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
95 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
96 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
97 Columbia Register.