

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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 adding 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:

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

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

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

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

“(c) Except as otherwise provided in District law, the Authority shall administer the Rent Supplement Program according to the same policies and procedures as the federal Housing Choice Voucher Program, including any administrative plan regulations that the Authority promulgates pursuant to federal law, as applicable. The Authority shall promulgate any additional rules, which are specific to the Rent Supplement Program and are needed to conform

to District law, including the eligibility requirements in section 26d-4 and the limitation to extremely low-income households. Such additional rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved. Nothing in this subsection shall be interpreted to limit the applicability of section 26d-4 prior to the promulgation of such additional rules.”.

(c) Section 26b(c) (D.C. Official Code § 6-227(c)) is repealed.

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

“Sec. 26d-4. Rent Supplement Program eligibility and rules.

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

“(2) If a housing unit supported with Rent Supplement Program assistance also receives federal low-income housing tax credits or other federal subsidies that are limited based on a participant’s citizenship, immigration status, or criminal background information, then the Authority may inquire into and consider such information about a participant to the extent necessary to establish the participant’s eligibility for the unit.

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

“(B) If the Authority terminates a person’s Rent Supplement Program participation pursuant to this paragraph, then the Authority shall seek the person’s consent to disclose the termination and the basis for the termination to the Department of Human Services and the Department of Behavioral Health for purposes of facilitating continuity of support. If the person provides such consent, the Authority shall make such disclosure within 2 business days after the termination.

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

“(2) If a person relies on self-certification for purposes of identification, the Authority shall provide the person with contact information for service provider organizations that may be able to assist with securing identity documentation. The Authority may require documentation of a participant’s identification for purposes of a routine recertification; provided,

that the Authority first provides notice to the participant of the documentation the Authority requires in accordance with its recertification notice regulations.

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

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

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia