

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Migrant Services and Supports Temporary Amendment Act of 2022 to clarify eligibility requirements and services provided by the Office of Migrant Services; and to amend the Homeless Services Reform Act of 2005 to clarify eligibility for immigrant residents accessing homeless services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Migrant Services Eligibility Clarification Emergency Amendment Act of 2023”.

Sec. 2. Title I of the Migrant Services and Supports Temporary Amendment Act of 2022, effective December 21, 2022 (D.C. Law 24-234; D.C. Official Code § 4-773.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 4-773.01) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase “clothing, and” and inserting the phrase “clothing, baby supplies including formula, if baby formula is reasonably available for purchase in the District, and” in its place.

(2) Paragraph (3) is amended to read as follows:

“(3) Temporary shelter which:

“(A) May be provided in a congregate setting; provided, that families with minor children shall be prioritized to be housed in non-congregate shelter units; and

“(B) Is maintained in a safe, clean, and sanitary condition that meets all applicable District health, sanitation, fire, building, and zoning codes for residential dwellings;”.

(3) Paragraph (5) is amended to read as follows:

“(5) Relocation services, including:

“(A) Services associated with traveling to a secondary destination outside of the District; and

“(B) Services associated with settling recent immigrants in the District when a recent immigrant intends to make the District their permanent home.”.

(b) Section 102(a) (D.C. Official Code § 4-773.02(a)) is amended to read as follows:

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“(a) The Mayor shall establish and publish eligibility and termination criteria for services and supports funded pursuant to this act within 30 days after the effective date of the Migrant Services Eligibility Clarification Emergency Amendment Act of 2023, passed on emergency basis on April 4, 2023 (Enrolled version of Bill 25-197); provided, that the eligibility and termination criteria:

“(1) May include statutory, regulatory, or programmatic categories of immigration, means of entering the District, and length of time in the United States or the District;

“(2) Shall ensure individuals are provided with adequate written and oral notice when services are denied or terminated pursuant to the established eligibility criteria; provided, that individuals with limited or no English proficiency receive such notice in the individual’s primary language; and

“(3) Shall be published online in English and Spanish.”.

(c) Section 106 (D.C. Official Code § 4-773.06) is amended to read as follows:

“If the Mayor establishes an office pursuant to section 101 of this title, the Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title, which shall include the eligibility and termination criteria required by section 102(a) of this title.”.

Sec. 3. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. 91 Law 16-35; D.C. Official Code § 4-751 *et seq.*) is amended as follows:

(a) Section 2(32)(C)(ii) and (iii) (D.C. Official Code § 4-751.01(32)(C)(ii) and (iii)) are amended to read as follows:

“(ii) Was paroled into the United States after April 1, 2022, under section 212(d)(5) of the Immigration and Nationality Act, approved June 27, 1952 (66 Stat. 182; 8 U.S.C. § 1182(d)(5)), until the completion of their immigration proceedings, including any appeals, except for:

“(I) Individuals who entered the United States pursuant to a special parole program established by the federal government that is indicated on the parole or entry document; or

“(II) Individuals granted parole while residing outside of the United States; or

“(iii) Cannot produce proof of residency documents required under subparagraph (A)(iii) of this paragraph dated prior to April 1, 2022, and has been issued, after April 1, 2022, a notice to appear in a proceeding to be held under section 240 of the Immigration and Nationality Act, approved June 27, 1952 (66 Stat. 182; 8 U.S.C. § 1229a), until the completion of their immigration proceedings, including any appeals.”.

(b) Section 7(c)(3)(B) (D.C. Official Code § 4-753.01(c)(3)(B)) is amended to read as follows:

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“(B) The Mayor shall determine that a person seeking shelter by reason of domestic violence, sexual assault, human trafficking, refugee status, or asylum, is a resident of the District without receiving demonstration of District residency in accordance with section 2(32) of this act, except if the Mayor can demonstrate that a person seeking asylum is eligible for and will receive shelter under Title I of the Migrant Services and Supports Temporary Amendment Act of 2022, effective December 21, 2022 (D.C. Law 24-234; DC Official Code § 4-773.01 *et seq.*) (“Title I”), or any subsequently enacted act substantially similar to Title I, the Mayor may direct that person to the Office of Migrant Services to obtain shelter.”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. 5 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 shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia