

ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

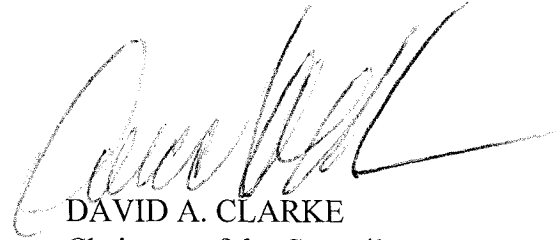
NOTICE

D.C. LAW 11- 29

"Human Services Spending Reduction Temporary Amendment Act of 1995".

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. 11-209 on first and second readings, April 4, 1995 and May 2, 1995, respectively. Following the signature of the Mayor on May 26, 1995, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-59 and published in the June 16, 1995, edition of the D.C. Register (Vol. 42 page 2950) and transmitted to Congress on June 6, 1995 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 11-29, effective July 25, 1995.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June	6,7,8,9,12,13,14,15,16,19,20,21,22,23,26,27,28 29,30
July	10,11,12,13,14,17,18,19,20,21,24

AN ACT

D.C. ACT 11-59

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 26, 1995

To amend, on a temporary basis, the District of Columbia Public Assistance Act of 1982 to reduce the amount that the District pays for burials and cremations, to authorize the Mayor to charge Aid to Families with Dependent Children ("AFDC") recipients for the reasonable costs of shelter provided by the District to the family unit, to require families in shelter to pay up to 30% of their household income for shelters, and to eliminate AFDC cash payments to strikers; to amend the District of Columbia Right to Overnight Shelter Act of 1984 to require all persons in shelter to pay up to 30% of their household income for shelter provided by the District to members of the household; and to amend the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 to require persons with mental retardation and certain family members of persons with mental retardation to contribute to the costs of the person's habilitation and care, to require a responsible person to contribute to the costs of habitation and care, to amend the criteria for discharge from commitment to include the failure to meet the statutory criteria for involuntary commitment, to establish a professional judgment standard for an independent comprehensive evaluation or individual habilitation plan provided at the expense of the District, to clarify that the District's responsibility to provide services to persons with mental retardation is limited to funds appropriated for this purpose, and to authorize the Mayor to issue rules.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Human Services Spending Reduction Temporary Amendment Act of 1995".

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

- (a) Section 543(a) (D.C. Code § 3-205.43(a)) is repealed.
- (b) Section 552(d) (D.C. Code § 3-205.52(d)) is amended by striking the last sentence.
- (c) Section 603(e) (D.C. Code § 3-206.3(e)) is amended as follows:
 - (1) Paragraph (1) is amended as follows:
 - (A) By striking the phrase "who are not receiving AFDC, and"; and
 - (B) By striking the phrase "after adjustments such as" and inserting the

Note
Section
3-205.43
Note
Section
3-205.52
Note
Section
3-206.3

phrase "excluding the income of any dependent minor and" in its place.

(2) Paragraph (2) is repealed.

(d) Section 1402 (D.C. Code § 3-214.2) is amended by striking the phrase "approved by the Council, by resolution." and inserting the phrase "issued by the Mayor, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*)".

Note,
Section
3-214.2

(e) Section 1404 (D.C. Code § 3-214.4) is amended as follows:

Note,
Section
3-214.4

(1) Subsection (a) is amended as follows:

(A) The first sentence is amended by adding the phrase "or cremation" after the phrase "funeral service".

(B) The second sentence is amended as follows:

(i) By striking the phrase "\$750 for a complete adult" and inserting the phrase "\$450 towards the cost of a cremation or complete funeral service as defined by rules promulgated pursuant to section 1402. Any additional payment by the family for cremation or funeral services shall not exceed the amount specified for family payments in the rules." in its place; and

(ii) By striking the phrase "including the burial plot."

(C) By striking the last two sentences.

(2) Subsection (b) is amended by striking the last sentence.

(3) Subsection (c) is repealed.

Sec. 3. Section 6a of the District of Columbia Right to Overnight Shelter Act of 1984, effective March 6, 1991 (D.C. Law 8-197; D.C. Code § 3-605.1), is amended as follows:

Note,
Section
3-605.1

(a) Subsection (a) is amended as follows:

(1) The first sentence is amended by striking the phrase "who is not receiving AFDC benefits" and inserting the phrase "and any emancipated minor" in its place.

(2) The third sentence is amended by striking the phrase "person's gross monthly income, excluding" and inserting the phrase "gross monthly household income excluding the income of any dependent minor," in its place.

(b) Subsection (b) is amended to read as follows:

"(b) The District government shall apply any amount that a person pays pursuant to subsection (a) of this section to the reasonable costs of shelter provided to the person by the District government."

Sec. 4. The Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Code § 6-1901 *et seq.*), is amended as follows:

(a) Section 311 (D.C. Code § 6-1931) is amended to read as follows:

Note,
Section
6-1931

"Sec. 311. Payment for habilitation and care.

"(a) A person with mental retardation or the father, mother, spouse, or adult child of a person with mental retardation who receives habilitation, care, or both from the District pursuant to this act shall pay to the District the costs of habilitation, care, or both received by the person with mental retardation if the person with mental retardation, or the father, mother, spouse, or adult child of the person with mental retardation, is able to pay, or if the estate of the person with

mental retardation is sufficient for this purpose.

"(b) If any person made liable by subsection (a) of this section does not pay the costs of habilitation, care, or both received by the person with mental retardation, the court shall issue to the liable person a citation to show cause why that person should not be adjudged to pay a portion or all of the expenses of habilitation, care, or both of the person with mental retardation. The citation shall be served at least 10 days before the show cause hearing. If, upon the hearing, it appears to the court that the person made liable by subsection (a) of this section does not have sufficient resources to pay the full costs of habilitation, care, or both received by the person with mental retardation, the court may order the payment of a reasonable amount of the costs of habilitation, care, or both received based on the liable person's resources. The court may order the liable person to make payments quarterly, monthly, or at any other interval deemed appropriate by the court. The order may be enforced against any property of the liable person as if the order were an order for temporary alimony in a divorce case.

"(c) The Mayor may examine, under oath, the father, mother, spouse, adult child, and the executor of the estate of the person with mental retardation who receives habilitation, care, or both if the person lives in the District of Columbia, to ascertain the person's ability or the ability of the estate to pay the full costs or contribute to the costs of habilitation, care, or both of the person with mental retardation."

(b) Section 404 (D.C. Code § 6-1944) is amended to read as follows:

Note,
Section
6-1944

"Sec. 404. If the respondent demonstrates that a comprehensive evaluation of a person with mental retardation failed to comply substantially with accepted professional standards and that sound professional judgement was not exercised in the performance of the evaluation, the court, upon a motion of the respondent, may order an independent comprehensive evaluation of the person or an individual habilitation plan at the District's expense if the person is unable to pay."

(c) Section 409(c) (D.C. Code Section 6-1949(c)) is amended by striking the phrase "and necessary" and inserting the phrase ", necessary, and available" in its place.

Note,
Section
6-1949

(d) Section 411(a) (D.C. Code § 6-1951(a)) is amended as follows:

Note,
Section
6-1951

(1) By striking the word "and" at the end of paragraph (2);

(2) By striking the period at the end of paragraph (3) and inserting the phrase "; and" in its place; and

(3) By adding a new paragraph (4) to read as follows:

"(4) The person meets the requirements for commitment in sections 304(b) and 306(a)."

(e) Section 501 (D.C. Code § 6-1961) is amended to read as follows:

Note,
Section
6-1961

"Sec. 501.(a) To the extent of funds appropriated for the purposes of this act, no District resident with mental retardation shall be denied habilitation, care, or both suited to the person's needs regardless of the person's age, degree of retardation, or handicapping condition.

"(b) To the extent of funds appropriated for the purposes of this act, each customer shall be provided a habilitation program that will maximize the customer's human abilities, enhance the customer's ability to cope with the customer's environment, and create a reasonable opportunity for progress toward the goal of independent living."

(f) Section 503 (D.C. Code § 6-1963) is amended in the first sentence by inserting the

Note,
Section
6-1963

phrase "and available" after the word "necessary".

(g) Section 504(c) (D.C. Code § 6-1964(c)) is amended by striking the first sentence and inserting the following sentence in its place: "To the extent of funds appropriated for the purposes of this act, each customer shall receive habilitation, care, or both consistent with the recommendations included in the customer's individual habilitation plan."

Note,
Section
6-1964

(h) Section 513(b) (D.C. Code § 6-1973(b)) is amended by striking the phrase "plan." and inserting the phrase "plan, unless the District is unable to pay the cost of the recommended services because available funds appropriated for the purposes of this act are insufficient to pay the costs." in its place.

Note,
Section
6-1973

(i) Section 601 (D.C. Code § 6-1981) is repealed.

Note,
Section
6-1981

(j) Section 603 (D.C. Code § 6-1983) is amended by inserting the phrase "and available" after the word "necessary".

Note,
Section
6-1983

(k) Section 603a is added to read as follows:

"Sec. 603a. The Mayor, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*), shall issue rules to implement the provisions of this act."

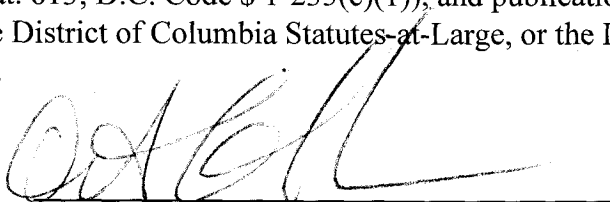
Note,
Section
6-1983

Sec. 5. Section 301(q)(14) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 16, 1989 (D.C. Law 7-201; D.C. Code § 1-603.1(17)(N)), is amended by adding a new subparagraph (D) to read as follows:

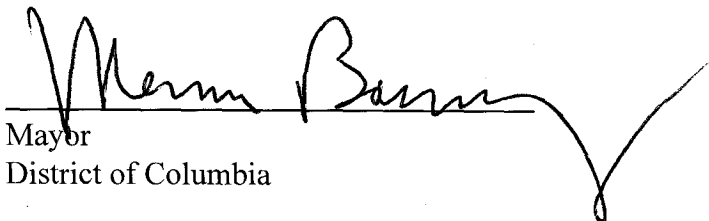
Note,
Section
1-603.1

"(D) The Commission on Health Care Finance."

Sec. 6. (a) This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: May 26, 1995



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

Docket No. B11-209

☐ ITEM ON CONSENT CALENDAR

☒ ACTION & DATE

Adopted First Reading, 4-4-95

☒ VOICE VOTE

RECORDED VOTE ON REQUEST

Approved

ABSENT

all present

☐ ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
CHMN. CLARKE					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					PATTERSON									
EVANS					RAY									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

Regis for
Secretary to the Council

May 8, 1995
Date

☒ ITEM ON CONSENT CALENDAR

☒ ACTION & DATE

Adopted Final Reading, 5-2-95

☒ VOICE VOTE

RECORDED VOTE ON REQUEST

Approved

ABSENT

all present

☐ ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
CHMN. CLARKE					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					PATTERSON									
EVANS					RAY									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

Regis for
Secretary to the Council

May 8, 1995
Date

☐ ITEM ON CONSENT CALENDAR

☐ ACTION & DATE

☐ VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

☐ ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
CHMN. CLARKE					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					PATTERSON									
EVANS					RAY									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

Secretary to the Council

Date