

COUNCIL OF THE DISTRICT OF COLUMBIA

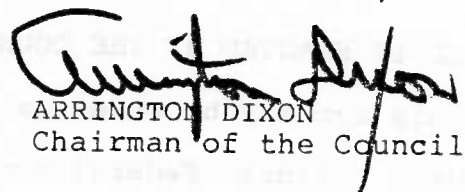
NOTICE

D.C. LAW 4-53

"Aid to Families with Dependent Children Federal
Conformity Temporary Act of 1981".

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. 4-332 on first and second readings, September 30, 1981 and October 14, 1981, respectively. Following the signature of the Mayor on October 19, 1981, this legislation was assigned Act No. 4-94, published in the October 30, 1981 edition of the D.C. Register, (Vol. 28 page 4630) and transmitted to Congress on October 23, 1981 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 4-53, effective December 10, 1981.


ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

| | |
|----------|--|
| October | 23,26,27,28,29,30 |
| November | 2,3,4,5,6,9,10,12,13,16,17,18,19,20,23,24,30 |
| December | 1,2,3,4,7,8,9 |

DC LAW 4-53
EFFECTIVE
DATE DEC 10 1981

AN ACT

D.C. ACT 4-94

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCT 19 1981

To conform, on an temporary basis, District of Columbia laws and regulations to certain federal laws and regulations governing the Aid to Families with Dependent Children program.

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| Title II. | Amendments Relating to Income Disregards and Exclusions | |
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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Aid to Families with
Dependent Children Federal Conformity Temporary Act of
1981".

TITLE I. AMENDMENTS AFFECTING ELIGIBILITY

Sec. 101. Stepparent income.

Section 7(c) of the Establishing the Eligibility Requirement for the Aid to Families With Dependent Children Program Regulation, enacted July 9, 1970 (Reg. 70-29; 6B DCRR) is amended to read as follows:

D.C. Municipal
Regulations
(D.C.M.R.)

"(c)(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. 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 first \$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/her Federal personal income tax liability. This disregarded amount shall equal the District of Columbia's standard of assistance 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/her as dependents for purposes of determining his/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.

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

Sec. 102. Gross income may not exceed one hundred fifty percent (150%) of standard of assistance.

D.C.M.R.

(a) Section 4 of the Regulation To Establish and Apply Standards of Assistance for Public Assistance Applicants and Recipients, enacted September 12, 1972, (Reg. 72-17; 19 DCR 212) is amended as follows:

(1) The first sentence of subsection (c) is amended to read as follows:

"When an adult member of a General Public Assistance Unit, or an applicant for General Public Assistance, has income from employment, only the net

income shall be treated as a resource in determining eligibility for and payment of GPA."; and

(2) Strike subsections (d) and (e).

(b) Section 6 of the Regulation To Disregard as a Resource Certain Income of Applicants for Recipients of Public Assistance, enacted July 19, 1971 (Reg. 71-24; 18 DCR 83) is amended to read as follows:

"Section 6. (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, unless all or part of the gross income is derived from a stepparent or alien sponsor, in which cases appropriate disregards are allowed in accordance with Federal law.

"(b) If the gross income, after application of exclusions and disregards permitted under (a) are applied, is 150% or less of the standard of need, eligibility and benefit level shall be calculated in accordance with Section 7, EXCEPT THAT, for determining initial eligibility only, the \$30 plus one-third deduction shall not be applied.".

Sec. 103. Consideration of Earned Income Tax Credit.

D.C.M.R.

The definition of gross income in section 1(c) of the Regulation to Disregard as a Resource Certain Income of Applicants for Recipients of Public

Assistance, enacted July 9, 1971 (Reg. 71-24; 18 DCR 83) is amended to read as follows:

"Total earned income, including the Federal Earned Income Tax Credit (regardless of whether or not the person actually receives the advance payment), before and deducting required by law."

Sec. 104. Lump-sum Payments to be Considered as Income.

D.C.M.R.

(a) A Regulation To Establish Policies Governing Accrued Statutory Benefits and Lump-Sum Payments or Settlements, enacted May 6, 1971 (Reg. 71-17; 19 DCR 212) is amended as follows:

(1) Insert at the beginning of section 4 the phrase "(1) For applicants for, and recipients of, General Public Assistance:" and change the clause designation in subsection (b) to "(1) and "(ii)";

(2) Add the following new subsections at the end thereof to read as follows:

"(2) For applicants for, and recipients of, Aid to families with Dependent Children:

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

"(b) If the amount of the payment, when added to any other income, exceeds the standard of assistance applicable to the family of which the recipient is a

member:

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

"(ii) any income remaining (which amount is less than the applicable monthly standard) shall be treated as if it were income received in the first month following the period of ineligibility specified in paragraph (i) of this section."

(b) Section 1 is amended to read as follows:

"Lump-sum payment or settlement--A non-recurring payment such as an insurance settlement. 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."

(c) Sections 5 and 6 are repealed.

Sec. 105. Eligibility of Aliens; Treatment of Sponsor's Income.

D.C.M.R.

The Establishing of the Eligibility Requirements for the Aid to Families with Dependent Children Program Regulation, enacted July 9, 1970 (Reg. 70-29; 6B DCRR) is amended by adding the following new section 9a to read as follows:

"Section 9a. If the needy child or other member of an assistance unit is an alien legally residing in the United States, and if the alien applies for assistance after September 30, 1981, and if the alien has a sponsor (other than a non-profit organization), 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. 106. Unemployment Shall Be That of the Principal Earner.

D.C.M.R.

(a) Sections 1(a) and 6(a), (b), and (c) of the Establishing the Eligibility Requirements for the Aid to Families with Dependent Children Program Regulation, enacted July 9, 1970 (Reg. 70-291; 6B DCRR) are amended by striking the word "father" and inserting the phrase "parent who is the principal earner" in lieu thereof wherever it appears;

(b) Section 1 is amended by adding a new subsection (c-1) to read as follows:

"(c-1) For the purposes of this regulation, a parent who is the principal earner shall be defined in accordance with 45 CFR 233.100(a)(3)(vi)(A).".

TITLE II. AMENDMENTS RELATING TO INCOME DISREGARDS
AND EXCLUSIONS

Sec. 201. Treatment of Resources.

(a) Section 1 of the Regulation to Revise Policy

D.C.M.R.

Concerning the Retention of a Cash Reserve by Public Assistance Applicants and Recipients, enacted October 31, 1969 (Reg. 69-50) is amended to read as follows:

"The Director of the Department of Human Services, in determinig the need for public assistance, shall permit:

"(a) applicants for, or recipients of, General Public Assistance, to retain liquid assets not to exceed \$300 for a one-person assistance unit, or \$500 for a two-person assistance unt, 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 \$1200) shall not be considered liquid assets.

"(b) individuals or families applying for or receiving Aid to Families with Dependent Children, 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 family home, equity value of one car (up to a total of \$1500), and basic maintenance items essential to day-to-day living (to be defined by the Director) 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 the assistance unit, the value shall be divided equally among the co-owners and only the portion of the assistance unit member(s) considered as available."; and

(b) Section 6a of the Regulation To Establish Policies Governing Resources of Persons Applying for or Receiving Public Assistance, enacted January 14, 1971 (Reg. 71-2) and Section 2 of the Regulation to Disregard Certain Payments made 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 17, 1969 (Reg. 69-24; 6B DCRR) are repealed.

Sec. 202. Treatment of Earned Income.

The Regulation To Disregard As A Resource Certain Income of Applicants for Recipients of Public Assistance, enacted July 9, 1971 (Reg. 71-24) is amended as follows:

D.C.M.R.

(a) Subsection F of section 1 is deleted.

(b) Section 7 is amended to read as follows:

"Section 7. In determining the need of families who are applying for or receiving AFDC:

"A. 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.

"B. 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 (except children excluded under paragraph A). If the individual is self-employed, work expenses directly related to producing the goods or services shall be excluded from the earned income total.

"C. 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.

"D. For initial applicants, determine whether the monthly gross income, after disregards allowed under paragraph A, B, or C, or correction of underpayments, exceeds the standard of assistance. If so, the family is ineligible for assistance.

"E. Deduct \$30 plus one-third of the remaining earned income. The resulting figure is the net income to be considered as income in determining grant to the assistance unit.

"F. The \$30 plus one-third disregard may be applied to an individual's income for no more than four consecutive months, and may not be used again by that individual until he or she has not been a recipient of AFDC for twelve consecutive months. Any month for

which the person loses the disregard because of a provision in subsection G of this section shall be considered as one of the four consecutive months.

"G. Income earned by any member of the assistance unit shall not be disregarded for any month in which the Department determines that such member:

"(1) within 30 days preceding such month, without good cause, terminated his employment, reduced his earned income, or refused a bona fide offer of employment;

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

"(3) without good cause, failed to file the monthly report required for that month on time.".

(3) Section 9 is repealed.

(4) Section 10 is amended by adding the following new subsection at the end thereof to read as follows:

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

TITLE III. PROGRAM MANAGEMENT AMENDMENTS

Sec. 301. Retrospective budgeting.

The Establishing the Eligibility Requirements for

D.C.M.R.

the Aid to Families with Dependent Children Program Regulation, enacted July 9, 1970 (Reg. 70-29; 6B DCRR) is amended by adding a new section 9a to read as follows:

"Section 9a. 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."

Sec. 302. Monthly reporting.

The Establishing the Eligibility Requirements for the Aid to Families with Dependent Children Program Regulation, enacted July 9, 1970 (Reg. 70-29; 6B DCRR) is amended by adding a new subsection to read as follows:

"Section 10(a). Each family receiving assistance 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 Director) 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 reports must be received by the Department by the 10th of each month.

"(c) The Department shall act promptly to change or terminate assistance payments as may be appropriate on the basis of the information contained in the monthly report. Written notice of the change or termination must be mailed in time to arrive no later than the date the family receives the changed payment or would have received payment if assistance had not been terminated.

"(d) If a recipient fails to file a report on time, without good cause, or if the report filed is incomplete, the Department shall take prompt action to terminate assistance. The Department shall give the recipient written notice if assistance is being terminated as a result of failure to file or complete a report. The notice must be mailed in time to arrive no later than the date payment would have been received if the Department had received a completed monthly report on time. If within 10 days of issuance of the notice of termination, the recipient files a completed monthly report, the Department shall accept the replacement form and provide the assistance when the information indicates the recipient is still eligible. If the recipient is found ineligible, or eligibla for an amount less than the prior month's payment, the Department shall promptly notify the recipient of his

or her right to a fair hearing and his or her right to have assistance reinstated. A recipient has 10 days from the date of such notice to request a hearing.

"(e) If a recipient has earned income, and fails to file a report of that income on time, the \$30 plus one-third income disregard shall not be allowed for the month that was to be reported on.

"(f) The Department 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 family need not file a monthly report for the month in which eligibility is initially determined."

Sec. 303. Limitation on Payments Under Ten Dollars (\$10).

D.C.M.R.

Section 5 of the Regulation To Establish and Apply Standards of Assistance for Public Assistance Applicants and Recipients, enacted September 12, 1972 (Reg. 72-17; 19 DCR 212) is amended by adding the following new subsection at the end thereof to read as follows:

"(c) No family will receive Aid To Families with Dependent Children monthly benefits if the benefit check prior to adjustments is less than \$10. A family denied benefits as a result of this provision shall continue to be considered eligible for AFDC for all

other purposes."

Sec. 304. Collection of Overpayments Required.

Section 17(b) of the District of Columbia Public Assistance Act of 1962, approved October 15, 1962 (76 Stat. 917; D.C. Code, sec. 3-216(b)) is amended as follows:

D.C.Code,
sec. 3-216
(1973 ed.)

(a) By inserting in the third sentence after the phrase "Any repayment" the phrase "of general Public Assistance"; and

(b) By adding the following sentence at the end thereof to read as follows:

"Collections of overpayments from AFDC recipients shall be made in accordance with 45 CFR 233.20(a)(13)."

TITLE IV. FAIR HEARINGS AMENDMENTS.

Sec. 401. Section 1 of the Regulation Governing Hearings Requested by Public Assistance Applicants and Recipients, enacted September 27, 1968 (Reg. 68-20; 15 DCR 80) is amended by adding the following subsection to read as follows:

D.C.M.R.

"(c) A hearing need not be granted when either District of Columbia or federal law required automatic grant adjustments for classes of recipients of Aid to Families with Dependent Children unless the reason for an individual appeal is incorrect computation of the grant."

Sec. 402. The Regulation To Establish Policy

D.C.M.R.

Governing the Reduction and Temination of Public Assistance Payments enacted December 7, 1968 (Reg. 68-28; 15 DCR 128) is amended by:

(a) adding the following section at the end thereof to read as follows:

"Sec. 9. When the reduction or termination is the result of information contained on a monthly report the recipient has filed, or of the recipients's failure to file a report, or to file a complete report, the Department is not requird to give the recipient 15 days' advance notice. The Department must, however, give the recipient adequate notice, as defined by federal regulations, of a termination or change not later than the expected payment date.".

(b) Section 6 is amended to read as follows:

"Section 6. Assistance under the Aid to Families with Dependent Children Programs received pending a hearing decison shall be considered as an overpayment if the proposed action to change or terminate benefits is sustained.".

TITLE V. REPEALERS; EFFECTIVE DATE; TERMINATION

Sec. 501. Repealers.

D.C.M.R.

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

Sec. 502. Effect of Act.

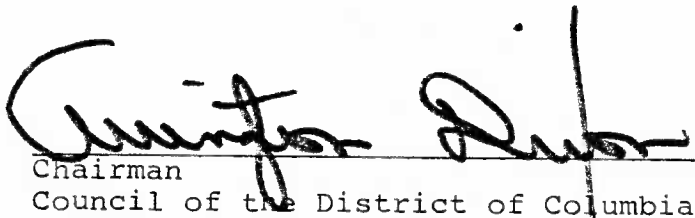
D.C.M.R.
&
Note,
D.C.Code,
sec. 3-216
(1973 ed.)

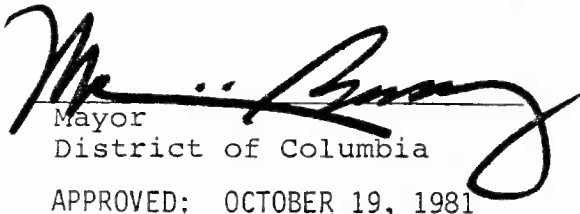
This act shall be effective for all applications filed after September 1981, and for all current cases reviewed after September 30, 1981.

Sec. 503. Effective Date; Termination.

(a) Except as provided in subsection (b), 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. 1-147(c)(1)).

(b) This act shall expire one hundred eighty (180) days from the date of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED: OCTOBER 19, 1981



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Four
First Session

DOCKET NO: Bill 4-332

☐ Item on Consent Calendar

ACTION: Adopted First Reading, 9-30-81

☒ VOICE VOTE: Unanimous

Absent: Moore, Clarke

☐ ROLL CALL VOTE:

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| CHMN. DIXON | | | | | KANE | | | | | SHACKLETON | | | | |
| WINTER | | | | | MASON | | | | | SPAULDING | | | | |
| CLARKE | | | | | MOORE, JR. | | | | | WILSON | | | | |
| CRAWFORD | | | | | RAY | | | | | | | | | |
| JARVIS | | | | | ROLARK | | | | | | | | | |

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

John P. Brown
Secretary to the Council

10-14-81

Date

☐ Item on Consent Calendar

ACTION: Adopted Final Reading, 10-14-81

☒ VOICE VOTE: Unanimous

Absent: Winter, Jarvis, Crawford, Moore, Clarke, Wilson

☐ ROLL CALL VOTE:

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| CHMN. DIXON | | | | | KANE | | | | | SHACKLETON | | | | |
| WINTER | | | | | MASON | | | | | SPAULDING | | | | |
| CLARKE | | | | | MOORE, JR. | | | | | WILSON | | | | |
| CRAWFORD | | | | | RAY | | | | | | | | | |
| JARVIS | | | | | ROLARK | | | | | | | | | |

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

John P. Brown
Secretary to the Council

10-14-81

Date

☐ Item on Consent Calendar

ACTION: _____

☐ VOICE VOTE: _____

Absent: _____

☐ ROLL CALL VOTE:

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| CHMN. DIXON | | | | | KANE | | | | | SHACKLETON | | | | |
| WINTER | | | | | MASON | | | | | SPAULDING | | | | |
| CLARKE | | | | | MOORE, JR. | | | | | WILSON | | | | |
| CRAWFORD | | | | | RAY | | | | | | | | | |
| JARVIS | | | | | ROLARK | | | | | | | | | |

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD