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Phil Mendelson  
Chairman Phil Mendelson

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7 Councilmember Brooke Pinto

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12 A PROPOSED RESOLUTION

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18 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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23 To declare the existence of an emergency with respect to the need to amend the District of  
24 Columbia Housing Authority Act of 1999 to allow applicants for local rent supplement  
25 vouchers to self-certify eligibility factors; and to prohibit the Housing Authority from  
26 inquiring into an applicant’s immigration status or prior criminal arrests, convictions, or  
27 pending criminal matters.

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29 RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
30 resolution may be cited as “Local Rent Supplement Program Eligibility Emergency Declaration  
31 Resolution of 2022.”

32 Sec. 2. (a) On August 10, 2021, the Council approved the Fiscal Year 2022 Budget  
33 Support Act of 2021 (D.C. Law 24-45). One of the subtitles included in the law, the Local Rent  
34 Supplement Program Enhancement Amendment Act of 2021 (the “Act”) required the District of  
35 Columbia Housing Authority (DCHA) to issue emergency and final rules that allow applicants to  
36 self-certify eligibility factors for locally-funded housing vouchers when an applicant cannot  
37 easily obtain documentation.

38 (b) The purpose of Local Rent Supplement Program Enhancement Amendment Act of  
39 2021 is to reduce barriers to locally-funded vouchers for people experiencing homelessness.  
40 People experiencing homelessness often do not possess documents, such as birth certificates or  
41 social security cards, that are necessary to verify their identity and obtain a government-issued  
42 photo ID. The process to obtain these documents, and then acquire a government-issued photo  
43 ID, can take a year or more, delaying a homeless individual's ability to be housed.

44 (c) DCHA issued emergency rules on March 4, 2022, and final rules on April 6, 2022 via  
45 PR 24-692, the District of Columbia Housing Authority Local Rent Supplement Tenant Based  
46 Program Regulations Approval Resolution of 2022. Proposed rules became effective on June 24,  
47 2022. A second round of emergency rules were adopted by the DCHA Board of Commissioners  
48 on June 8, 2022 via Resolution 22-24.

49 (d) The language of the rules mostly conforms with the intent of the Act. DCHA's  
50 implementation of the rules has been inconsistent with the language of the Act, however. Initial  
51 emergency rules and guidance still required applicants to provide a photo ID at the time of  
52 application, for instance. The second emergency regulations allow for self-certification of  
53 identity and other eligibility factors at the time of application but would require voucher  
54 recipients to have verification documents at the time of recertification. While this is an  
55 improvement over the initial rules and guidance, it can sometimes take longer than 2 years to  
56 acquire the necessary documentation. Additionally, all rules and guidance issued thus far only  
57 apply to tenant-based housing assistance.

58 (e) To ensure that DCHA's implementation of the Act does not continue to run afoul of  
59 the Council's intent, the emergency measure makes it clear that applicants must be allowed to  
60 self-certify any eligibility factors at the time of initial eligibility and ensures that self-

61 certification is sufficient for continued occupancy. The emergency measure also prohibits DCHA  
62 from inquiring about or considering any criminal matter, or citizenship or immigration status.  
63 The emergency measure applies these rules to tenant-based vouchers, sponsor-based vouchers,  
64 and project-based vouchers to make processes uniform across voucher types.

65           Sec. 3. The Council of the District of Columbia determines that the circumstances in  
66 section 2 constitute emergency circumstances, making it necessary that the “Local Rent  
67 Supplement Program Eligibility Emergency Amendment Act of 2022” be adopted after a single  
68 reading.

69           Sec. 4. This resolution shall take effect immediately.