AN ACT

D.C. ACT 22-130

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2017

To enact and amend provisions of law necessary to support the Fiscal Year 2018 budget.

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SUBTITLE F. CIVIL LEGAL COUNSEL PROJECTS
Sec. 3051. Short title.
This subtitle may be cited as the “Expanding Access to Justice Amendment Act of 2017”.

Sec. 3052. Definitions.
For the purposes of this subtitle, the term:
(1) “Bar Foundation” shall have the same meaning as provided in section 101(6) of the Access to Justice Initiative Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 4-1701.01(6)).
(2) “Covered proceeding” means an actual or reasonably anticipated administrative or judicial proceeding in the District of Columbia to evict an eligible individual or group.
(3) “Designated legal services provider” means a nonprofit organization or clinical program headquartered in the District of Columbia that provides legal services under this subtitle.
(4) “Eligible individual or group” means a tenant or occupant, or group of tenants or occupants, residing in a rental unit in a housing accommodation in the District of Columbia, whose gross household income falls at or below 200% of the federal poverty guidelines issued by the United States Department of Health and Human Services, or an individual, family, or group of individuals seeking, receiving, or eligible for service from a program covered by section 3 of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-754.01).
(5) “Housing accommodation” shall have the same meaning as provided in section 103(11) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.03(11)).
(6) “Legal services” means representation of an eligible individual or group through the provision of advice or brief services, or representation in a covered proceeding, including limited scope representation.
(7) “Licensed legal professional” means:
   (A) A member of the District of Columbia Bar authorized to practice law;
   (B) A law student participating in an authorized, attorney-supervised clinical program through an accredited law school in the District of Columbia; or
   (C) A member of the bar of another jurisdiction who is legally permitted to appear and represent a specific client in a particular proceeding in the court or other forum in which the matter is pending.
(8) “Rental unit” shall have the same meaning as provided in section 103(16) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.03(16)).

Sec. 3053. Civil legal counsel projects for eligible individuals or groups in covered proceedings.
(a) There is established the Civil Legal Counsel Projects Program (“Program”) for the purpose of providing legal services to eligible individuals or groups in eviction proceedings.
   (b) (1) The Office of Victim Services and Justice Grants shall award a grant each fiscal year to the Bar Foundation for the purposes of the Bar Foundation administering the Program. Payment
of the award shall be submitted by October 15th of each fiscal year in the amount specified in an act of the Council.

(2) Paragraph (1) of this subsection shall not be used to supplant funds made available pursuant to section 301(a) of the Access to Justice Initiative Establishment Act of 2010, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 4-1703.01(a)), or section 401 of the Access to Justice Initiative Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 4-1704.01).

(c) The Bar Foundation shall:
   (1) Serve as the grant-managing entity for the Program; and
   (2) Adopt policies, procedures, guidelines, and requirements for the Program, including policies designed to permit designated legal service providers to limit representation to eligible individuals or groups in covered proceedings.

Sec. 3054. Requirements for designated legal service providers.
(a) The Bar Foundation shall only award subgrants to legal services providers that:
   (1) Are headquartered in the District of Columbia and maintain a practice of furnishing free legal services to individuals who cannot afford the services of a licensed legal professional;
   (2) Possess expertise in housing law, landlord-tenant law, or related experience in representing eligible individuals or groups in covered proceedings;
   (3) Demonstrate expertise in recognizing and responding to the multiple legal issues facing low-income residents of the District of Columbia; and
   (4) Possess adequate infrastructure and expertise to provide consistent, high-quality oversight, training, evaluation, and strategic responses to emerging or changing needs in the client communities served.

(b) Nothing in this section requires designated legal services providers to serve eligible individuals or groups in covered proceedings beyond the provider's contractual agreement to the Bar Foundation under this subtitle.

Sec. 3055. Financial audit and reporting requirements.
(a) The Bar Foundation shall provide the Council with:
   (1) An annual financial audit of its activities prepared by a certified public accountant licensed in the District of Columbia and carried out in accordance with generally accepted auditing standards; provided, that the audit may be conducted as part of the Bar Foundation's annual audit;
   (2) Biannual reporting that includes the following information:
      (A) The gender, race, ethnicity, and age of eligible individuals served;
      (B) The election ward of residence of eligible individuals served;
      (C) The incomes of eligible individuals served;
      (D) Legal services provided to eligible individuals; and
      (E) A list of designated legal services providers and the amount of grant funding provided to each, including how the grant funding is used by each designated legal services provider; and

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(3) Annual programmatic reporting that includes:
   (A) An evaluation of the performance of each designated legal services
       provider;
   (B) The legal outcomes for each eligible individual or group served;
   (C) An evaluation of implementation challenges and recommendations for
       future improvements; and
   (D) An assessment of unmet legal needs in the provision of legal services
       for covered proceedings.

Sec. 3056. Other criminal and civil proceedings.
This subtitle shall not be construed to negate, alter, or limit any right to counsel in any civil
or criminal action or proceeding otherwise provided by District or federal law or regulation.

SUBTITLE G. OFFICE OF OPEN GOVERNMENT ESTABLISHMENT
Sec. 3061. Short title.
This subtitle may be cited as the “Office of Open Government Budget Authority
Amendment Act of 2017”.

Sec. 3062. Section 207(a) of the Board of Ethics and Government Accountability
Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27,
2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.07(a)), is amended as follows:
   (a) Strike the phrase “The Director of Government Ethics” and insert the phrase “The
       Director of Government Ethics and the Director of Open Government” in its place.
   (b) Strike the phrase “necessary for the operation of the Ethics Board for the year” and
       insert the phrase “necessary for the operation of their respective offices for the year” in its place.

Sec. 3063. Applicability.
This subtitle shall apply as of the effective date of this act.

SUBTITLE H. OFFICE OF THE ATTORNEY GENERAL LITIGATION
SUPPORT FUND AND ATTORNEY GENERAL RESTITUTION FUND
Sec. 3071. Short title.
This subtitle may be cited as the “Office of the Attorney General Litigation Support Fund
and Attorney General Restitution Fund Amendment Act of 2017”.

Sec. 3072. The Attorney General for the District of Columbia Clarification and Elected
§ 1-301.81 et seq.), is amended as follows:
   (a) Section 106b(d)(3) (D.C. Official Code § 1-301.86b(d)(3)) is amended by striking the
       phrase “$3 million” both times it appears and inserting the phrase “$5 million” in its place.
   (b) A new section 106c is added to read as follows:
       “Sec. 106c. Attorney General Restitution Fund.