



Statutory Language, Access to Justice Initiative

This **marked up** version of language found in D.C. Code 4-1701.01 *et seq.* and D.C. Code 4-1801 *et seq.* reflects changes made in the Fiscal Year 2023 Budget Support Act of 2022. **(A clean version follows beginning on page 14.)**

- The final, signed version of the Fiscal Year 2023 Budget Support Act of 2022, signed by the Mayor on July 25, 2022, can be found here:
https://lms.dccouncil.us/downloads/LIMS/49079/Signed_Act/B24-0714-Signed_Act.pdf.
- The Access to Justice Initiative Amendment Act of 2022 is Title III, Subtitle E of the Fiscal Year 2023 Budget Support Act of 2022, and is available on pages 34-36.
- Note that it was published in Vol. 29/No. 30 of the DC Register on July 29, 2022:
<https://www.dcregs.dc.gov/Common/DCR/Issues/IssueDetailPage.aspx?issueID=992>.
- The official D.C. Code language available online is not yet updated. The signed act is the final language, but it takes some time for the Council's Codification Counsel to update the official D.C. Code language to reflect the changes. When available, the updated language will be found at:
<https://code.dccouncil.us/us/dc/council/code/titles/4/chapters/17> and
<https://code.dccouncil.us/us/dc/council/code/titles/4/chapters/18>. (Note that cross-reference links are included in the text below – refer to this document for any changes to those sections, where applicable, until the official language online is updated).

Code of the District of Columbia

Chapter 17. Access to Justice Initiative Program.

Subchapter I. Definitions.

§ 4–1701.01. Definitions.

For the purposes of this chapter, the term:

(1) “Adequate notice” means written notice of termination from eligible employment provided within 15 days of termination and separate written confirmation by the provider of eligible employment.

(2) Repealed.

(3) “Administrator” means the entity designated to administer the LRAP, established pursuant to [§ 4-1704.01](#).

(4) “Applicant” means an individual who applies for assistance from the LRAP.

(5) “ATJ” means the Access to Justice Grant Funding for Civil Legal Services.

(6) “Bar Foundation” means the District of Columbia Bar Foundation.

(7) “Deputy Mayor” means the Deputy Mayor for Public Safety and Justice or the Office of the Deputy Mayor for Public Safety and Justice, as the context requires.

(8) “Eligible debt” means outstanding principal, interest, and related expenses from loans obtained for reasonable educational expenses made by government and commercial lending institutions or educational institutions, but does not include loans extended by a private individual or group of individuals, including families.

(9) “Eligible employment” means those areas of legal practice certified by the Administrator to serve the public interest, including employment with legal organizations that qualify for District of Columbia Bar Foundation funding, but does not include employment with the District of Columbia government or federal government or with or as the Administrator; and

(A) Working not less than 35 hours per week where such hours are fully devoted to eligible employment, hereinafter “full-time employment”; or

(B) Working not less than 17 hours per week where such hours are fully devoted to eligible employment, hereinafter “part-time employment.”

(10) “Full-time employment” means not less than 35 hours of work per week.

(11) “Initiative” means the Access to Justice Initiative established pursuant to [§ 4-1702.01](#).

(12) “Involuntary termination” means termination for budgetary or inadequate funding reasons, as confirmed, in writing, by the eligible employer.

(13) “Lawyer” means a graduate of an accredited law school who is:

(A) Licensed to practice in the District of Columbia;

(B) Authorized under the provisions of Rule 49(c)(9) of the District of Columbia Court of Appeals to practice law before that court; or

(C) A member in good standing of the highest court of any state who has submitted an application for admission to the District of Columbia Bar.

(14) “LRAP” means the District of Columbia Poverty Lawyer Loan Repayment Assistance Program.

(15) “Participant” means an eligible lawyer whose application to the LRAP has been approved.

(16) “Reasonable educational expenses” means the cost of tuition as well as the costs of education considered to be required by the school’s degree program, such as fees for housing, transportation and commuting costs, books, supplies, and educational equipment and materials that are part of the estimated student budget of the school in which the participant was enrolled.

(17) “Service obligation” means the period of eligible employment necessary to sustain participation in the LRAP, which shall not be less than 45 weeks within the 12-month period for which the participant applied for assistance.

Subchapter II. Access to Justice Initiative.

Part A. Establishment of Program.

§ 4–1702.01. Access to Justice Initiative.

(a) The Office of Victim Services and Justice Grants shall establish an Access to Justice Initiative program for the purpose of providing support to nonprofit organizations that deliver civil legal services to low-income and under-served District residents, or support to their nonprofit organization partners; and providing loan-repayment assistance to lawyers working in eligible employment. The Initiative shall consist of the ATJ and LRAP programs.

(b) The provisions of this chapter shall be exempt from the requirements of part B of subchapter XII-A of [Chapter 3 of Title 1](#) [[§ 1-328.11](#) et seq.].

§ 4–1702.02. Financial audit and reporting requirements.

(a)(1) The Bar Foundation shall provide the Office of Victim Services and Justice Grants with:

(A)(i) An annual financial audit of the ATJ program prepared by a certified public accountant licensed in the District of Columbia and carried out in accordance with generally accepted auditing standards. The audit may be conducted as part of the Bar Foundation’s annual audit.

(ii) The Bar Foundation may use a portion of funds allocated for reasonable administrative expenses pursuant to [§ 4-1703.01\(b\)](#) to procure an audit of the ATJ program for the current or preceding fiscal year. The audit shall account for and reflect all interest associated with the grant funding. The audit may be conducted as part of the administrator's annual audit.

(B) Twice-yearly programmatic reporting on the administration and performance of the ATJ program.

(2) The Bar Foundation shall not be required to provide access to information on subgrantee matters covered by attorney-client privilege or attorney work-product privilege or that includes confidences and secrets of clients assisted by civil legal-service providers that receive funds through the ATJ program.

(b)(1)(A) The Administrator for the LRAP shall provide to the Office of Victim Services and Justice Grants (or if the Office of Victim Services and Justice Grants is acting as Administrator, the Office of Victim Services and Justice Grants shall obtain) an annual financial audit of the LRAP prepared by a certified public accountant licensed in the District of Columbia and carried out in accordance with generally accepted auditing standards.

(B) The Administrator may use a portion of funds allocated for reasonable administrative expenses pursuant to [§ 4-1704.01\(c\)\(3\)](#) to procure an audit of the LRAP for the current or preceding fiscal year. The audit shall account for and reflect all interest associated with the grant funding.

(2) The Administrator shall provide semiannual programmatic reporting on the administration and performance of the LRAP.

(3) The Administrator shall not be required to provide (or if the Office of Victim Services and Justice Grants is acting as Administrator, shall not release) information on subgrantee matters covered by attorney-client privilege or attorney work-product privilege or any information that includes confidences and secrets of clients assisted by lawyers participating in the LRAP.

Part B. Funding for Program.

§ 4-1703.01. ATJ; funding and administration.

(a) The Office of Victim Services and Justice Grants shall award a grant each fiscal year from the budget of the Initiative to the Bar Foundation for the purpose of the Bar Foundation providing support to nonprofit organizations that deliver civil legal services to low-income and underserved District residents, or support to their nonprofit organization partners, including funds for a shared legal interpreter bank. Payment of the award shall be submitted by October 15th of each fiscal year in the amount specified in an act of the Council. The grant shall equal the ~~budget for ATJ~~ budget for ATJ, shall be nonlapsing, and interest earned by the Bar Foundation

on grant funds shall remain available for use by the Bar Foundation for the purposes of the Initiative, without fiscal year limitation, subject to authorization in an approved budget and financial plan.

(b)(1) The Office of Victim Services and Justice Grants shall permit the Bar Foundation to use up to 10% of the grant awarded in each fiscal year for reasonable administrative expenses, including audits, associated with the provision of support to the nonprofit organizations.

(2) Any training or evaluation deemed necessary by the Bar Foundation for purposes of the Initiative shall be permitted as a non-administrative expense, with reasonable expenses for these purposes not restricted to the percentage set aside for administrative expenses under paragraph (1) of this subsection.

Part C. Poverty Lawyer Loan Repayment Assistance Program.

§ 4-1704.01. LRAP.

(a) The District of Columbia Poverty Lawyer Loan Repayment Assistance Program shall provide loan repayment assistance to lawyers working in eligible employment. The LRAP shall be part of and be funded through the Initiative, established pursuant to [§ 4-1702.01](#).

(b)(1) Funding for the LRAP shall be allocated to the Office of Victim Services and Justice Grants.

(2) The amount of funding for the LRAP for each fiscal year shall be specified by an act of the Council and shall not be modified except by a subsequent act of the Council.

(3) Any training or evaluation deemed necessary by the Bar Foundation for purposes of the Initiative shall be permitted as a non-administrative expense, with reasonable expenses for these purposes not restricted to the percentage set aside for administrative expenses under subsection (c) of this section.

(c)(1) The Office of Victim Services and Justice Grants may serve as Administrator or may designate a nonprofit entity to serve as the Administrator. If the Office of Victim Services and Justice Grants designates a nonprofit entity as the Administrator, the Office of Victim Services and Justice Grants shall provide funding for the LRAP by awarding a grant to the nonprofit entity. The grant shall be nonlapsing and interest earned by the nonprofit on grant funds shall remain available for use by the Administrator for the purposes of the LRAP, without fiscal year limitation, ~~subject to authorization by Congress~~ subject to authorization in an approved budget and financial plan.

(2) For Fiscal Year 2018, the Office of Victim Services and Justice Grants shall designate the Bar Foundation as the Administrator.

(3) Except as provided in paragraphs (3) and (4) of this subsection, the Administrator may use up to 15% of the grant funding for reasonable administrative expenses associated with administering the LRAP.

(4) If the Office of Victim Services and Justice Grants has designated the Bar Foundation as Administrator, the Bar Foundation may, in lieu of using a percentage of LRAP grant funding under paragraph (3) of this subsection, use a portion of funds authorized under [§ 4-1703.01\(b\)](#) for reasonable administrative expenses associated with administering the LRAP.

§ 4-1704.02. LRAP; administration.

(a) The Administrator shall:

- (1) Establish an application and eligibility review process for the LRAP;
- (2) Conduct a semiannual review of the continued eligibility of participants;
- (3) Certify a list of eligible employment; and
- (4) Determine the levels of participant contribution.

(b) The Administrator shall provide loans to participants who maintain eligible employment to repay eligible debt for reasonable education expenses. The Administrator shall forgive these loans upon a participant's completion of the required service obligation.

§ 4-1704.03. LRAP; participation eligibility.

(a) To be eligible to participate in the LRAP, an applicant shall, at the time of application and throughout participation in the LRAP:

- (1) Hold, or actively plan to secure, eligible employment; provided, that a participant shall hold eligible employment before any payments may be disbursed;
- (2) Be a resident of the District of Columbia;
- (3) Be a lawyer;
- (4) Have a current salary (including bonuses and other wages) of ~~less than \$90,000~~ less than \$100,000;

(5) Exhaust all other available avenues for loan repayment assistance, including through participation in any available undergraduate or law school debt-forgiveness programs;

(6) Have no current service obligation from scholarships;

(7) Submit a timely and completed application;

(8) Be in satisfactory repayment status on all eligible debt; and

(9) Execute a release to allow the Administrator access to records, credit information, and information from lenders necessary to verify eligibility of debt and to determine loan repayments.

(b) A law student attending the David A. Clarke School of Law at the University of the District of Columbia who is ~~in his or her~~ in the law student's final year of school may apply and be approved for loan repayment assistance if the applicant demonstrates ~~that he or she~~ that the applicant will meet all eligibility requirements by the time of the first award disbursement.

§ 4-1704.04. LRAP; award of loans.

(a) The Administrator shall award loans to participants during the period of service obligation in accordance with [§ 4-1704.06](#). Subject to the availability of funds and within the limits established by subsection (c) of this section, participants shall be granted loans sufficient to repay all eligible debt.

(b) If the needs of all participants exceed the financing available in any fiscal year, preference shall be given to participants who:

(1) Are graduates of accredited public schools of law in the District of Columbia;

(2) Have completed no less than 2 prior service obligations in the LRAP;

(3) Have graduated from an accredited school of law within the last 3 years; or

(4) Have a high debt to income ratio as compared to other participants.

(c) Participants in the LRAP shall not receive loan repayment assistance under the LRAP in excess of \$1,000 for a single month; except, that:

(1) The Office of Victim Services and Justice Grants may by rulemaking increase the award limits in this subsection to reflect changes in reasonable education expenses; and

(2) The Bar Foundation may use the funds to repay any and all of the loan principal or interest of those applicants whose loans would not otherwise be eligible for Public Service Loan Forgiveness.

§ 4-1704.05. LRAP; participant obligations.

(a) A participant shall:

(1) Maintain full-time employment and eligible employment for each year of the service obligation;

(2) Sign a promissory note setting forth his or her obligation to the LRAP to repay any assistance loans that are not subsequently forgiven pursuant to [§ 4-1704.02\(b\)](#) because of a failure to sustain eligible employment or other noncompliance with the eligibility requirements set forth in [§ 4-1704.03](#).

(3) Authorize the Administrator to verify his or her eligible employment, current salary (including bonuses and other wages), and other sources of income, at least semiannually during participation in the LRAP;

(4) Timely notify the Administrator of any change in status that would make the participant ineligible for an award; and

(5) Be responsible for:

(A) Negotiating with each lending institution the terms and conditions of eligible debt repayments; and

(B) Any penalties associated with early repayment.

(b) Except as provided in subsections (c) and (d) of this section, participants who fail to fulfill the required service obligation shall repay any loan disbursed, in accordance with the terms of the promissory note required by subsection (a)(2) of this section and regulations promulgated pursuant to [§ 4-1704.07](#).

(c) For the purposes of this chapter, a participant who provides adequate notice to the Administrator of involuntary termination from eligible employment shall be forgiven for the loan through the date of the involuntary termination from eligible employment. The participant shall be required to repay the loan from the date of involuntary termination from eligible employment through the end of the calendar year.

(d) For the purposes of [this chapter](#), a participant who becomes ineligible to participate in the LRAP shall be forgiven for the loan through the date of the ineligibility if the participant has

satisfied the obligations under [§ 4-1704.03](#) and this section for 3 or more years. The participant shall be required to repay the loan from the date of voluntary withdrawal from eligible employment through the end of the calendar year.

§ 4–1704.06. LRAP; disbursement of loans.

(a) The Administrator shall begin to disburse loan repayment assistance within 90 days of the Administrator’s receipt of adequate funds.

(b) Subject to the availability of appropriations, loan repayment-assistance payments shall be made not less than semiannually to the participant until the repayment of the eligible debt is complete or the participant no longer meets the eligibility requirements set forth in [§ 4-1704.03](#).

§ 4–1704.07. LRAP; rulemaking.

The Mayor, pursuant to [subchapter I of Chapter 5 of Title 2](#) [[§ 2-501](#) et seq.], shall issue rules to implement the provisions of this chapter.

Chapter 18. Access to Justice. Civil Legal Counsel Projects Program.

§ 4–1801. Definitions.

For the purposes of [this chapter](#), the term:

(1) "Bar Foundation" shall have the same meaning as provided in [§ 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~~

"Covered proceeding" means an actual or reasonably anticipated administrative or judicial proceeding in the District of Columbia:

(A) To evict an eligible individual or group;

(B) To increase an eligible individual's or group's current rent;

(C) Initiated by an eligible individual or group and relating to the current rent for that eligible individual or group;

(D) Initiated by an eligible individual or group and relating to one or more housing code violations under Chapters 4 through 9 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR §§ 400 to 999), Title 12-G of the District of Columbia Municipal Regulations (12-G DCMR § 101 *et seq.*), or Title III of the Air Quality Amendment Act of 2014, effective September 9, 2014 (D.C. Law 20-135, D.C. Official Code § 8-241.01 *et seq.*);

(E) To terminate an eligible individual from participation in any housing subsidy program; or

(F) Initiated by an eligible individual or group and relating to the eligible individual's or group's rights under the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), or the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*).

(3) "Designated legal services provider" means a nonprofit organization or clinical program headquartered in the District of Columbia that provides legal services under [this chapter](#).

~~(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 250% 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 § 4-754.01.~~

"Eligible individual or group" means a:

(A) Low-income tenant or occupant residing in the District of Columbia; or

(B) Group of low-income tenants or occupants residing in the District of Columbia; provided, that the majority of the group are low-income tenants or occupants.

~~(5) "Housing accommodation" shall have the same meaning as provided in § 42-3401.03(11). Repealed.~~

(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 § 42-3401.03(16). Repealed.~~

§ 4–1802. 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 covered~~ 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 [§ 4-1703.01\(a\)](#), or [§ 4-1704.01](#).

(3) The grant shall be nonlapsing and interest earned by the Bar Foundation on grant funds shall remain available for use by the Bar Foundation for the purposes of the Program, without fiscal year limitation.

(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.

§ 4–1803. 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 chapter](#).

(c) The Bar Foundation may also award subgrants to nonprofit organizations that are not legal services providers; provided, that the nonprofit organizations apply jointly with legal services providers that meet the qualifications set forth in subsection (a) of this section.

§ 4–1804. 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

(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.

§ 4–1805. Other criminal and civil proceedings.

[This chapter](#) 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.

Statutory Language, Access to Justice Initiative

This **clean** version of language found in D.C. Code 4-1701.01 *et seq.* and D.C. Code 4-1801 *et seq.* reflects changes made in the Fiscal Year 2023 Budget Support Act of 2022.

- The final, signed version of the Fiscal Year 2023 Budget Support Act of 2022, signed by the Mayor on July 25, 2022, can be found here:
https://lms.dccouncil.us/downloads/LIMS/49079/Signed_Act/B24-0714-Signed_Act.pdf.
- The Access to Justice Initiative Amendment Act of 2022 is Title III, Subtitle E of the Fiscal Year 2023 Budget Support Act of 2022, and is available on pages 34-36.
- Note that it was published in Vol. 29/No. 30 of the DC Register on July 29, 2022:
<https://www.dcregs.dc.gov/Common/DCR/Issues/IssueDetailPage.aspx?issueID=992>.
- The official D.C. Code language available online is not yet updated. The signed act is the final language, but it takes some time for the Council's Codification Counsel to update the official D.C. Code language to reflect the changes. When available, the updated language will be found at:
<https://code.dccouncil.us/us/dc/council/code/titles/4/chapters/17> and
<https://code.dccouncil.us/us/dc/council/code/titles/4/chapters/18>. (Note that cross-reference links are included in the text below – refer to this document for any changes to those sections, where applicable, until the official language online is updated).

Code of the District of Columbia

Chapter 17. Access to Justice Initiative Program.

Subchapter I. Definitions.

§ 4–1701.01. Definitions.

For the purposes of this chapter, the term:

- (1) “Adequate notice” means written notice of termination from eligible employment provided within 15 days of termination and separate written confirmation by the provider of eligible employment.
- (2) Repealed.
- (3) “Administrator” means the entity designated to administer the LRAP, established pursuant to [§ 4-1704.01](#).

- (4) “Applicant” means an individual who applies for assistance from the LRAP.
- (5) “ATJ” means the Access to Justice Grant Funding for Civil Legal Services.
- (6) “Bar Foundation” means the District of Columbia Bar Foundation.
- (7) “Deputy Mayor” means the Deputy Mayor for Public Safety and Justice or the Office of the Deputy Mayor for Public Safety and Justice, as the context requires.
- (8) “Eligible debt” means outstanding principal, interest, and related expenses from loans obtained for reasonable educational expenses made by government and commercial lending institutions or educational institutions, but does not include loans extended by a private individual or group of individuals, including families.
- (9) “Eligible employment” means those areas of legal practice certified by the Administrator to serve the public interest, including employment with legal organizations that qualify for District of Columbia Bar Foundation funding, but does not include employment with the District of Columbia government or federal government or with or as the Administrator; and
- (A) Working not less than 35 hours per week where such hours are fully devoted to eligible employment, hereinafter “full-time employment”; or
- (B) Working not less than 17 hours per week where such hours are fully devoted to eligible employment, hereinafter “part-time employment.”
- (10) “Full-time employment” means not less than 35 hours of work per week.
- (11) “Initiative” means the Access to Justice Initiative established pursuant to [§ 4-1702.01](#).
- (12) “Involuntary termination” means termination for budgetary or inadequate funding reasons, as confirmed, in writing, by the eligible employer.
- (13) “Lawyer” means a graduate of an accredited law school who is:
- (A) Licensed to practice in the District of Columbia;
- (B) Authorized under the provisions of Rule 49(c)(9) of the District of Columbia Court of Appeals to practice law before that court; or
- (C) A member in good standing of the highest court of any state who has submitted an application for admission to the District of Columbia Bar.
- (14) “LRAP” means the District of Columbia Poverty Lawyer Loan Repayment Assistance Program.

(15) “Participant” means an eligible lawyer whose application to the LRAP has been approved.

(16) “Reasonable educational expenses” means the cost of tuition as well as the costs of education considered to be required by the school’s degree program, such as fees for housing, transportation and commuting costs, books, supplies, and educational equipment and materials that are part of the estimated student budget of the school in which the participant was enrolled.

(17) “Service obligation” means the period of eligible employment necessary to sustain participation in the LRAP, which shall not be less than 45 weeks within the 12-month period for which the participant applied for assistance.

Subchapter II. Access to Justice Initiative.

Part A. Establishment of Program.

§ 4–1702.01. Access to Justice Initiative.

(a) The Office of Victim Services and Justice Grants shall establish an Access to Justice Initiative program for the purpose of providing support to nonprofit organizations that deliver civil legal services to low-income and under-served District residents, or support to their nonprofit organization partners; and providing loan-repayment assistance to lawyers working in eligible employment. The Initiative shall consist of the ATJ and LRAP programs.

(b) The provisions of this chapter shall be exempt from the requirements of part B of subchapter XII-A of [Chapter 3 of Title 1](#) [[§ 1-328.11](#) et seq.].

§ 4–1702.02. Financial audit and reporting requirements.

(a)(1) The Bar Foundation shall provide the Office of Victim Services and Justice Grants with:

(A)(i) An annual financial audit of the ATJ program prepared by a certified public accountant licensed in the District of Columbia and carried out in accordance with generally accepted auditing standards. The audit may be conducted as part of the Bar Foundation’s annual audit.

(ii) The Bar Foundation may use a portion of funds allocated for reasonable administrative expenses pursuant to [§ 4-1703.01\(b\)](#) to procure an audit of the ATJ program for the current or preceding fiscal year. The audit shall account for and reflect all interest associated with the grant funding. The audit may be conducted as part of the administrator’s annual audit.

(B) Twice-yearly programmatic reporting on the administration and performance of the ATJ program.

(2) The Bar Foundation shall not be required to provide access to information on subgrantee matters covered by attorney-client privilege or attorney work-product privilege or that includes confidences and secrets of clients assisted by civil legal-service providers that receive funds through the ATJ program.

(b)(1)(A) The Administrator for the LRAP shall provide to the Office of Victim Services and Justice Grants (or if the Office of Victim Services and Justice Grants is acting as Administrator, the Office of Victim Services and Justice Grants shall obtain) an annual financial audit of the LRAP prepared by a certified public accountant licensed in the District of Columbia and carried out in accordance with generally accepted auditing standards.

(B) The Administrator may use a portion of funds allocated for reasonable administrative expenses pursuant to [§ 4-1704.01\(c\)\(3\)](#) to procure an audit of the LRAP for the current or preceding fiscal year. The audit shall account for and reflect all interest associated with the grant funding.

(2) The Administrator shall provide semiannual programmatic reporting on the administration and performance of the LRAP.

(3) The Administrator shall not be required to provide (or if the Office of Victim Services and Justice Grants is acting as Administrator, shall not release) information on subgrantee matters covered by attorney-client privilege or attorney work-product privilege or any information that includes confidences and secrets of clients assisted by lawyers participating in the LRAP.

Part B. Funding for Program.

§ 4–1703.01. ATJ; funding and administration.

(a) The Office of Victim Services and Justice Grants shall award a grant each fiscal year from the budget of the Initiative to the Bar Foundation for the purpose of the Bar Foundation providing support to nonprofit organizations that deliver civil legal services to low-income and underserved District residents, or support to their nonprofit organization partners, including funds for a shared legal interpreter bank. Payment of the award shall be submitted by October 15th of each fiscal year in the amount specified in an act of the Council. The grant shall equal the budget for ATJ, shall be nonlapsing, and interest earned by the Bar Foundation on grant funds shall remain available for use by the Bar Foundation for the purposes of the Initiative, without fiscal year limitation, subject to authorization in an approved budget and financial plan.

(b)(1) The Office of Victim Services and Justice Grants shall permit the Bar Foundation to use up to 10% of the grant awarded in each fiscal year for reasonable administrative expenses, including audits, associated with the provision of support to the nonprofit organizations.

(2) Any training or evaluation deemed necessary by the Bar Foundation for purposes of the Initiative shall be permitted as a non-administrative expense, with reasonable expenses for these purposes not restricted to the percentage set aside for administrative expenses under paragraph (1) of this subsection.

Part C. Poverty Lawyer Loan Repayment Assistance Program.

§ 4-1704.01. LRAP.

(a) The District of Columbia Poverty Lawyer Loan Repayment Assistance Program shall provide loan repayment assistance to lawyers working in eligible employment. The LRAP shall be part of and be funded through the Initiative, established pursuant to [§ 4-1702.01](#).

(b)(1) Funding for the LRAP shall be allocated to the Office of Victim Services and Justice Grants.

(2) The amount of funding for the LRAP for each fiscal year shall be specified by an act of the Council and shall not be modified except by a subsequent act of the Council.

(3) Any training or evaluation deemed necessary by the Bar Foundation for purposes of the Initiative shall be permitted as a non-administrative expense, with reasonable expenses for these purposes not restricted to the percentage set aside for administrative expenses under subsection (c) of this section.

(c)(1) The Office of Victim Services and Justice Grants may serve as Administrator or may designate a nonprofit entity to serve as the Administrator. If the Office of Victim Services and Justice Grants designates a nonprofit entity as the Administrator, the Office of Victim Services and Justice Grants shall provide funding for the LRAP by awarding a grant to the nonprofit entity. The grant shall be nonlapsing and interest earned by the nonprofit on grant funds shall remain available for use by the Administrator for the purposes of the LRAP, without fiscal year limitation, subject to authorization on an approved budget and financial plan.

(2) For Fiscal Year 2018, the Office of Victim Services and Justice Grants shall designate the Bar Foundation as the Administrator.

(3) Except as provided in paragraphs (3) and (4) of this subsection, the Administrator may use up to 15% of the grant funding for reasonable administrative expenses associated with administering the LRAP.

(4) If the Office of Victim Services and Justice Grants has designated the Bar Foundation as Administrator, the Bar Foundation may, in lieu of using a percentage of LRAP grant funding under paragraph (3) of this subsection, use a portion of funds authorized under [§ 4-1703.01\(b\)](#) for reasonable administrative expenses associated with administering the LRAP.

§ 4–1704.02. LRAP; administration.

(a) The Administrator shall:

- (1) Establish an application and eligibility review process for the LRAP;
- (2) Conduct a semiannual review of the continued eligibility of participants;
- (3) Certify a list of eligible employment; and
- (4) Determine the levels of participant contribution.

(b) The Administrator shall provide loans to participants who maintain eligible employment to repay eligible debt for reasonable education expenses . The Administrator shall forgive these loans upon a participant’s completion of the required service obligation.

§ 4–1704.03. LRAP; participation eligibility.

(a) To be eligible to participate in the LRAP, an applicant shall, at the time of application and throughout participation in the LRAP:

- (1) Hold, or actively plan to secure, eligible employment; provided, that a participant shall hold eligible employment before any payments may be disbursed;
- (2) Be a resident of the District of Columbia;
- (3) Be a lawyer;
- (4) Have a current salary (including bonuses and other wages) of less than \$100,000;
- (5) Exhaust all other available avenues for loan repayment assistance, including through participation in any available undergraduate or law school debt-forgiveness programs;
- (6) Have no current service obligation from scholarships;

- (7) Submit a timely and completed application;
 - (8) Be in satisfactory repayment status on all eligible debt; and
 - (9) Execute a release to allow the Administrator access to records, credit information, and information from lenders necessary to verify eligibility of debt and to determine loan repayments.
- (b) A law student attending the David A. Clarke School of Law at the University of the District of Columbia who is in the law student's final year of school may apply and be approved for loan repayment assistance if the applicant demonstrates that the applicant will meet all eligibility requirements by the time of the first award disbursement.
-

§ 4-1704.04. LRAP; award of loans.

- (a) The Administrator shall award loans to participants during the period of service obligation in accordance with [§ 4-1704.06](#). Subject to the availability of funds and within the limits established by subsection (c) of this section, participants shall be granted loans sufficient to repay all eligible debt.
- (b) If the needs of all participants exceed the financing available in any fiscal year, preference shall be given to participants who:
- (1) Are graduates of accredited public schools of law in the District of Columbia;
 - (2) Have completed no less than 2 prior service obligations in the LRAP;
 - (3) Have graduated from an accredited school of law within the last 3 years; or
 - (4) Have a high debt to income ratio as compared to other participants.
- (c) Participants in the LRAP shall not receive loan repayment assistance under the LRAP in excess of \$1,000 for a single month; except, that:
- (1) The Office of Victim Services Grants may by rulemaking increase the award limit established in this subsection to reflect changes in reasonable education expenses; and
 - (2) The Bar Foundation may use the funds to repay any and all of the loan principal or interest of those applicants whose loans would not otherwise be eligible for Public Service Loan Forgiveness.
-

§ 4–1704.05. LRAP; participant obligations.

(a) A participant shall:

(1) Maintain full-time employment and eligible employment for each year of the service obligation;

(2) Sign a promissory note setting forth his or her obligation to the LRAP to repay any assistance loans that are not subsequently forgiven pursuant to [§ 4-1704.02\(b\)](#) because of a failure to sustain eligible employment or other noncompliance with the eligibility requirements set forth in [§ 4-1704.03](#).

(3) Authorize the Administrator to verify his or her eligible employment, current salary (including bonuses and other wages), and other sources of income, at least semiannually during participation in the LRAP;

(4) Timely notify the Administrator of any change in status that would make the participant ineligible for an award; and

(5) Be responsible for:

(A) Negotiating with each lending institution the terms and conditions of eligible debt repayments; and

(B) Any penalties associated with early repayment.

(b) Except as provided in subsections (c) and (d) of this section, participants who fail to fulfill the required service obligation shall repay any loan disbursed, in accordance with the terms of the promissory note required by subsection (a)(2) of this section and regulations promulgated pursuant to [§ 4-1704.07](#).

(c) For the purposes of this chapter, a participant who provides adequate notice to the Administrator of involuntary termination from eligible employment shall be forgiven for the loan through the date of the involuntary termination from eligible employment. The participant shall be required to repay the loan from the date of involuntary termination from eligible employment through the end of the calendar year.

(d) For the purposes of [this chapter](#), a participant who becomes ineligible to participate in the LRAP shall be forgiven for the loan through the date of the ineligibility if the participant has satisfied the obligations under [§ 4-1704.03](#) and this section for 3 or more years. The participant shall be required to repay the loan from the date of voluntary withdrawal from eligible employment through the end of the calendar year.

§ 4–1704.06. LRAP; disbursement of loans.

(a) The Administrator shall begin to disburse loan repayment assistance within 90 days of the Administrator's receipt of adequate funds.

(b) Subject to the availability of appropriations, loan repayment-assistance payments shall be made not less than semiannually to the participant until the repayment of the eligible debt is complete or the participant no longer meets the eligibility requirements set forth in [§ 4-1704.03](#).

§ 4–1704.07. LRAP; rulemaking.

The Mayor, pursuant to [subchapter I of Chapter 5 of Title 2](#) [[§ 2-501](#) et seq.], shall issue rules to implement the provisions of this chapter.

Chapter 18. Access to Justice. Civil Legal Counsel Projects Program.

§ 4–1801. Definitions.

For the purposes of [this chapter](#), the term:

- (1) "Bar Foundation" shall have the same meaning as provided in [§ 4-1701.01\(6\)](#).
- (2) "Covered proceeding" means an actual or reasonably anticipated administrative or judicial proceeding in the District of Columbia:
 - (A) To evict an eligible individual or group;
 - (B) To increase an eligible individual's or group's current rent;
 - (C) Initiated by an eligible individual or group and related to the current rent for that eligible individual or group;
 - (D) Initiated by an eligible individual or group and relating to one or more housing code violations under Chapters 4 through 9 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR §§ 400 to 999), Title 12-G of the District of Columbia Municipal Regulations (12-G DCMR § 101 *et seq.*), or Title III of the Air Quality Amendment Act of 2014, effective September 9, 2014 (D.C. Law 20-135, D.C. Official Code § 8-241.01 *et seq.*);
 - (E) To terminate an eligible individual from participation in any housing subsidy program; or
 - (F) Initiated by an eligible individual or group and relating to the eligible individual's or group's rights under the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), or the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*).
- (3) "Designated legal services provider" means a nonprofit organization or clinical program headquartered in the District of Columbia that provides legal services under [this chapter](#).
- (4) "Eligible individual or group" means a:
 - (A) Low-income tenant or occupant residing in the District of Columbia; or
 - (B) Group of low-income tenants or occupants residing in the District of Columbia; provided, that the majority of the group are low-income tenants or occupants.

(5) Repealed.

(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) Repealed.

§ 4–1802. 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 covered 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 [§ 4-1703.01\(a\)](#), or [§ 4-1704.01](#).

(3) The grant shall be nonlapsing and interest earned by the Bar Foundation on grant funds shall remain available for use by the Bar Foundation for the purposes of the Program, without fiscal year limitation.

(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.

§ 4–1803. 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 chapter](#).

(c) The Bar Foundation may also award subgrants to nonprofit organizations that are not legal services providers; provided, that the nonprofit organizations apply jointly with legal services providers that meet the qualifications set forth in subsection (a) of this section.

§ 4–1804. 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

(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.

§ 4–1805. Other criminal and civil proceedings.

[This chapter](#) 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.
