


COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHAIRMAN
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Memorandum

TO: Nyasha Smith, Secretary to the Council

FROM: Phil Mendelson, Chairman 

DATE: January 2, 2024

RE: **Request to Place a Measure on the Agenda for January 9, 2024 Legislative Meeting**

This memorandum is to request that the following measure be placed on the agenda for the January 9, 2024 Legislative Meeting:

- **SNAP Litigation Authorization Resolution of 2024**

The Fiscal Year 2024 Budget Support Act of 2023 (D.C. Law 25-50) included a provision requiring that excess certified local revenues from the Chief Financial Officer's September 2023 revenue estimates be directed to the Department of Human Services to supplement locally funded Supplemental Nutrition Assistance Program benefits starting January 1, 2024. The Fiscal Year 2024 Local Budget Act of 2023 contained the appropriation authority to implement the increase should excess revenues materialize. On September 29, 2023, the Chief Financial Officer certified \$39.6 million in excess revenues, triggering the increased benefits from January 1, 2024 through the end of the fiscal year. Nevertheless, in late November of 2023, the Deputy Mayor for Health and Human Services and the Director of the Department of Human Services informed the Chair of the Council Committee on Health that the Executive does not intend to implement the benefits increase due to a number of unrelated spending pressures identified in the human services cluster.

However, the Council's position (supported by an opinion by the Attorney General) is that the Mayor may not unilaterally divert or withhold funds appropriated for a purpose expressly established in an appropriations act. As such, the proposed SNAP Litigation Authorization Resolution of 2024 authorizes our General Counsel to initiate or otherwise participate in a lawsuit on behalf of the Council to assert the requirement to disburse the funds as appropriated by the Council.

A copy of the draft measure is attached. Please call me or Mr. Evan Cash, Committee and Legislative Director, if you have any questions at (202) 724-7002.

cc: All Councilmembers
Council Officers