


Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** February 13, 2018

**SUBJECT:** Fiscal Impact Statement – Address Confidentiality Amendment Act of 2018

**REFERENCE:** Bill 22-37, Draft Committee Print as shared with the Office of Revenue Analysis on February 13, 2018

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**Conclusion**

Funds are not sufficient in the fiscal year 2018 through fiscal year 2021 budget and financial plan to implement the bill. The bill's implementation will cost \$68,000 in fiscal year 2018 and \$463,000 over the four-year financial plan period. The bill's implementation is subject to its inclusion in an approved budget and financial plan.

**Background**

The bill establishes an Address Confidentiality Program (Program) in the Office of Victim Services and Justice Grants (OVSJG). The Program will provide a substitute mailing address to relocated victims of domestic violence, stalking, human trafficking, or sexual offenses, to prevent a perpetrator from locating the victim. Also eligible for the Program are certain covered employees who work for reproductive health organizations or other organizations supporting victims of the covered offenses. Under the Program, a victim or covered employee can apply for a substitute mailing address and OVSJG will collect and forward all first class, certified, and registered mail<sup>1</sup> to the Program participant's actual address. OVSJG must establish a training program for, and designate individuals as, application assistants to help individuals apply for the Program. An application assistant must provide a recommendation to OVSJG about whether an individual should be accepted to participate in the Program after the individual provides the bill's required application information.<sup>2</sup> OVSJG will issue participants a Program authorization card.

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<sup>1</sup> OVSJG must maintain records of any certified or registered mail.

<sup>2</sup> Required information includes documentation from a service provider or an affidavit attesting to the individual's need, actual contact information, and various required statements.

A participant can provide his or her substitute mailing address for official government business, and District agencies are required to maintain that address on any public records.<sup>3</sup> All participants who choose to vote in the District, must be registered to vote by absentee ballot. Government officials, including the OVSJG Director, who have access to a participant's actual address should never knowingly disclose the actual address unless a tribunal order compels disclosure,<sup>4</sup> the participant voluntarily requests the actual address be used, the OVSJG Director grants a disclosure exception to a District agency, or the bill otherwise provides an allowance for disclosure. If the participant is subject to any tribunal orders, the OVSJG Director must notify the tribunal and provide the substitute mailing address. Participants also receive an additional five days on top of any prescribed notice period related to services of notice or other paper, if the prescribed period is ten days or less.

A participant can be in the Program for three years and can request a two-year extension, unless the participant withdraws him or herself from the Program or OVSJG determines that the participant is no longer eligible. OVSJG should notify a participant sixty days prior to his or her Program expiration date. Any individual who believes OVSJG has erred in its implementation of the Program can appeal to the Office of Administrative Hearings (OAH).

### **Financial Plan Impact**

Funds are not sufficient in the fiscal year 2018 through fiscal year 2021 budget and financial plan to implement the bill. The bill establishes an Address Confidentiality Program for victims of covered offenses and certain covered employees. OVSJG will set up a substitute address to receive any mail from Program participants and will forward that to the participants' actual addresses. To get into the Program, a potential participant must work with an OVSJG trained application assistant to provide the required sworn statements and documentation.

In fiscal year 2017, over 15,000 covered offense cases<sup>5</sup> were registered with OVSJG providers. The bill also allows an individual to submit an affidavit attesting to his or her victim status and need to participate in the program. This, along with including employees of covered offense service providers, makes the District's program broader and potentially easier to be accepted into than other programs in the United States.<sup>6</sup> These factors make the estimate of potential Program participants difficult to determine. If the Program has between 350 and 400 participants,<sup>7</sup> OVSJG would need one additional employee to manage the Program at a cost of \$43,000 in fiscal year 2018 and \$313,000 over the four-year financial plan period. The agency will also need additional funds

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<sup>3</sup> If the Program participant discovers his or her actual address in public records on an agency's website, the agency must remove, upon written request, the address from any records within ten business days. The substitute address cannot be used for records at the Office of Tax and Revenue or to register as a sex offender.

<sup>4</sup> The tribunal must have clear and convincing evidence to compel disclosure. A tribunal is any court, administrative agency, or other body acting in an adjudicative capacity.

<sup>5</sup> OVSJG estimates there were 15,323 cases, but these cases are not always unique individuals as some folks may seek assistance with multiple different providers depending on their specific situations.

<sup>6</sup> Some states only cover one, two, or three of the same covered offenses as the District and ORA research indicates only two other states, California and Washington, cover employees of service providers.

<sup>7</sup> A review of urban locations in New York and California provide very rough guidance that the share of the population that might participate in the District's Program could be approximately 0.06%. Additionally, a review of other programs reflected participation that ranged from 100 participants in Vermont to 4,300 in Washington state.

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for mailing costs, to support training of application assistants, and to support case management at OAH at a cost of \$25,000 in fiscal year 2018 and \$150,000 over the four-year financial plan period.

<b>Address Confidentiality Amendment Act of 2018</b>					
<b>Bill 22-37</b>					
<b>Implementation Costs</b>					
<b>Fiscal Year 2018 - Fiscal Year 2022</b>					
<b>(\$000s)</b>					
	<b>FY 2018<sup>a</sup></b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>Total</b>
<b>Personnel</b>	\$43	\$87	\$90	\$93	<b>\$313</b>
<b>Training, Mailing, OAH, and Other Non-Personnel Costs</b>	\$25	\$45	\$40	\$40	<b>\$150</b>
<b>Total</b>	<b>\$68</b>	<b>\$132</b>	<b>\$130</b>	<b>\$133</b>	<b>\$463</b>

Table Notes

a Assumes April 1, 2018 implementation.