
Government of the District of Columbia



D.C. Office of the Tenant Advocate

Testimony of

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Public Hearing

**FY 2011 and FY 2012 Performance Oversight
of the Office of the Tenant Advocate**

Council of the District of Columbia

Committee on Public Services and Consumer Affairs
The Honorable Yvette Alexander, Chairperson

Monday, February 13, 2012
10:00 a.m.

Room 500
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Good morning, Chairperson Alexander and members of the Committee on Public Services and Consumer Affairs. I am Johanna Shreve, Chief Tenant Advocate for the District of Columbia. I am here this morning to discuss the performance of the Office of the Tenant Advocate (OTA) since the start of Fiscal Year 2011. The OTA was established in 2005 as a division within the Department of Consumer and Regulatory Affairs; I began my service as the Acting Chief Tenant Advocate in April 2006; and the OTA became an independent agency in October 2007. Last week the Council confirmed my nomination to serve a second full three-year term as the Chief Tenant Advocate. I thank the Mayor, the Council, the Committee, the tenant community, and you, Chairperson Alexander, for your support and for the confidence you have placed in me.

The OTA'S mission

The OTA's mission is to provide technical and legal advice to tenants regarding disputes with landlords and to provide representation in certain cases; to educate and inform the tenant community about their rights and rental housing matters generally; to advocate for the rights and policy interests of District renters in the legislative, regulatory, and judicial contexts; and to provide financial

assistance to displaced tenants in certain housing emergencies. As I have discussed in prior testimonies before the Committee, historically, unequal resources and an unlevel playing field between tenants and housing providers too often have rendered the District's strong tenant protection laws ineffective or a nullity. The OTA was created to help close those perennial gaps in terms of legal knowledge, legal representation, and a policy voice, particularly at the administrative and enforcement levels.

As I said at my recent confirmation hearing, I am proud of the progress that the OTA -- in collaboration with many others in government and in the community -- has made over the past half dozen years in leveling the playing field and furthering its mission. I am more convinced than ever, that a tenant community constituting sixty percent of the District's population needs a strong and independent voice within the government -- one that protects and promotes the rights of renters while not losing sight of the legitimate rights of housing providers.

The OTA's progress

Since the agency's inception, the number of District residents who know about the OTA and make use of our services has grown steadily from each year to the next. Fiscal Year 2011 was no exception.

Case Intake

In Fiscal Year 2011, our Case Management Specialists handled 2,615 cases through the formal case intake process. This caseload represents a 15.7 percent increase over the previous fiscal year, and a 136 percent increase since Fiscal Year 2007 when our case managers handled a total of 1,107 cases. The greatest increase in our caseload last year (67 percent) occurred in Ward 1 and the greatest decrease (30 percent) occurred in Ward 7. The top five issue-categories have not changed significantly over the last five years. They are:

1. "Landlord and tenant" matters including security deposits, changes in the terms of the lease or the tenancy, and rental payment disputes;
2. Evictions and retaliation;
3. Housing code violations and poor housing conditions;
4. Reduction in services and facilities; and
5. Unlawful rent increases.

Legal Representation

In FY 2011, the OTA provided full in-house representation to 536 individual tenants, a substantial increase over the 32 individual tenants receiving full OTA representation the previous fiscal year. In part this is

due to the addition of a second litigating attorney, and, in larger part, due to the fact that we assumed representation of large tenant associations this past year. The Legal Division also provides substantial legal advice, including assistance with drafting legal documents, to many other tenants and tenant associations. The OTA also refers clients to pro bono legal services and attorneys, some of whom have contracts with the OTA. One legal service provider, AARP's Legal Counsel for the Elderly, reported having served 272 clients with OTA's financial assistance.

Additionally, our Paralegal Specialist responded to 232 online inquiries through "Ask the Director," an on-line forum for questions from the community. We are developing ways to be even more responsive to legal inquiries, including a year-round internship program to introduce law students, and college undergraduates who are interested in law school, to the work of the OTA, to encourage more lawyers to practice in this challenging but under-served area of the law, and to support the agency's legal and legislative efforts.

Education and Outreach

Education and outreach is a crucial part of the OTA's mission, and we strive constantly to expand our visibility and our impact on the

community in creative ways. Of course our well-attended Annual Summit and monthly stakeholder meetings serve as vehicles for education as well as policy discussions with tenants who come from all parts of the District. The OTA website has continued to expand as an outreach mechanism to the community, and over a one-year period between June 2010 and June 2011, the website had 31,926 visits and 112,514 page views.

The OTA also visits all parts of the District to conduct educational workshops, including clinics to help elderly tenants and tenants with disabilities register for the lower rent increase cap that they are entitled to under the rent control law. The OTA regularly develops and distributes educational brochures and other materials, including a DC Tenant Bill of Rights; an elderly tenants rights brochure; instructional material regarding the tenant right of purchase. Moreover, to educate and inform tenant communities on a monthly basis, plans for an electronic and paper newsletter are underway.

There are two developments in our education and outreach efforts this past year that I believe are particularly important. The first is the OTA Educational Institute, which will supplement our regular community workshops by bringing housing experts and other expert

speakers to the OTA to education and engage the tenant community on topical subjects.

The second is our “Rapid Response” program. The purpose of this program is to reach renter households at risk of losing legal rights and opportunities because they may be unaware of pending legal actions that affect them, or unaware of the OTA’s availability to provide assistance. Thus, when the OTA receives certain data or document sets, we immediately send outreach letters to affected households. This effort builds upon the “dear occupant” letters that we have been sending for years to residents of properties that are being foreclosed upon, to let tenants know that they have the right to stay in their homes.

Other examples include the letters that we send to: residents of a property for which the owner has applied to the Rent Administrator for approval to issue 120-day notices to temporarily vacate while alterations and renovations are made (under “section 501(f)” of the Rental Housing Act of 1985); households that have received an Offer of Sale or a Notice of Transfer under the tenant right to purchase law (TOPA); tenants in buildings subject to housing provider petitions filed with the Rent Administrator for larger rent increases; tenants who have

filed a tenant petition, or have a hearing or mediation at the Office of Administrative Hearings, who appear not to be represented.

Emergency Housing

The public demand for the Emergency Housing Assistance Program (EHAP) continues to grow. In FY 2011, the OTA handled 111 Emergency Housing cases, and provided 299 displaced individuals with emergency housing assistance services. The overwhelming majority of these emergency cases involved displacements due to fire.

Policy Advocacy

One of the OTA's statutory duties is to "represent the interests of tenants and tenant organizations in legislative, executive, and judicial issues, including advocating changes in laws and rules" (D.C. Official Code § 42-3531.07(2)). Thus the OTA engages all policy matters that affect tenants, whether in the legislative, executive, administrative, or judicial realm. Over the past year, we helped draft legislation, and testified or provided comments or recommendations to the Council and the Mayor's Office, on a range of issue areas, including reform of the Nuisance Abatement Fund to better prioritize its use prevent tenant displacement; Schedule H reform to expand the low-income homeowner and renters' tax credits; and clarification of OAH's jurisdiction over

tenant security deposit disputes. We published proposed rulemaking for the Emergency Housing Assistance Program (EHAP) and received comments in an extended public comment period, and we provided comments on a number of rulemakings and other actions by sister agencies that will affect District tenants including housing inspections and building closures. In the judicial realm, we submitted an “amicus letter” in a case of first impression for the Office of Administrative Hearings (OAH), regarding the interpretation of the recently enacted “Tenant Organization Petition Standing” law.

Data management

We are always striving to improve our efficiency and responsiveness through better data management and better use of technology. The OTA has greatly expanded its case management system to collect a larger amount of client information, as well as to generate reports and notices more efficiently than the previous system could. The new system allows for fifteen (15) additional informational fields to be entered for each client, as well as five (5) new “one click” generated reports. For legal contracting, OTA is working with the Office of Contract and Procurement to develop a seamless and cohesive communication system that will allow contracted legal service

providers and attorneys to better understand their roles and responsibilities.

In our responses to the Committee's pre-hearing questions, we discuss many more initiatives that we believe will allow us to reach more tenants and have a greater impact on the tenant community.

Budget reorganization

I will close by mentioning our budget reorganization. We have reorganized the agency's budget categories and added two new categories, so that the budget more closely aligns with our programmatic divisions and reflects the distinct parts of our statutory mission. The new budget categories are:

1. Agency management;
2. Housing assistance and community service;
3. Legal representation;
4. Policy advocacy;
5. OTA Educational Institute; and
6. Emergency housing.

Thank you, Chairperson Alexander, for this opportunity to discuss the OTA's performance over the past fiscal year. This concludes my testimony and I am happy to answer any questions you may have.