
Government of the District of Columbia



D.C. Office of the Tenant Advocate

Testimony of

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Public Hearing

**FY 2012 and FY 2013 Performance Oversight
of the Office of the Tenant Advocate**

Council of the District of Columbia

Committee on Business Consumer and Regulatory Affairs
The Honorable Vincent C. Orange, Chairperson

Monday, February 11, 2013
10:00 a.m.

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

Good morning, Chairperson Orange and members of the Committee on Business Consumer and Regulatory 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 2012. The OTA became an independent agency at the start of Fiscal Year 2008. Each year we have been able to report steady and significant progress in advancing each aspect of our statutory mission, and also in our ever-expanding impact on the District's renter population of 350,000. I am especially pleased with the progress we have made since the start of the last fiscal year.

The OTA'S mission and organization

The OTA's mission is four-fold:

1. To provide technical and legal advice to tenants regarding disputes with landlords, and to provide representation in cases that will serve the public interest;
2. To advocate for the rights and policy interests of District renters in the legislative, regulatory, and judicial contexts;
3. To educate and inform the tenant community about their rights and rental housing matters generally; and

4. To provide financial assistance to displaced tenants in certain housing emergencies.

Accordingly, the agency has four programmatic divisions: the Legal Division; the Policy Division; an education and outreach division, refashioned this year as the “Tenant Educational Institute”; and our Emergency Housing Assistance Program (EHAP).

Legal Division

Our Legal Division consists of case management specialists who assist any and all tenants seeking advice about their rights and remedies regarding landlord-tenant disputes; and attorneys who (a) provide legal review of case intake matters, (b) draft legal documents, and (c) provide direct representation of OTA clients in matters that further the public interest. In Fiscal Year 2012, our Case Management Specialists handled 2,767 cases. That is an increase of six (6) percent over the previous fiscal year and a 150 percent increase since Fiscal Year 2007.

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. Violations of the housing code's "clean safe and sanitary" regulations;
3. Violations of housing business license and registration requirements;
4. Evictions and retaliations; and
5. Reduction in services and facilities.

In recent years the Mayor and the Council have responded to the OTA's demonstrable need for additional attorneys, and I am pleased to report that the District is getting excellent bang for that buck. The OTA lost an attorney to the private sector in FY 2012 but hired two attorneys in FY 2013 and will soon hire another attorney. In FY 2012, a total of three (3) OTA attorneys provided legal assistance of some kind to 220 individual tenants. In the first four months of FY 2013 alone, a total of four (4) OTA attorneys provided legal assistance to virtually the same number of tenants (216). Thus, with a 33 percent increase in attorney staffing – from three (3) to four (4) – we are on pace to *triple* the output of our attorney services. Of course this does not mean that we can provide full legal representation in anywhere near all the cases that we believe warrant that degree of service. But it does indicate how rapidly

the demand for these services is growing, and that the District gets excellent value for each additional attorney that the OTA is able to hire.

The OTA also refers clients to pro bono legal services and private attorneys with rental housing and tenant rights expertise. We also provide funding to legal services and attorneys who qualify through our RFQ process. In FY 2012, our legal contractors have reported that collectively they provided legal representation to 448 District tenants with the help of OTA funding. The agency's expenditures for this program last year was \$210,000, and the reported return to clients in terms of rent abatements and damage awards was \$240,000. We were delighted to learn of this 115 percent return on the District's and the agency's investment.

Last year I reported about the expansion of our "Rapid Response Letter" program. The purpose of the program is to reach tenants who are affected by some legal action, and who may be at risk of losing important rights simply because they are unaware of those rights, or because they are unaware of the OTA's availability to help them exercise their rights. In FY 2012, the OTA sent letters to occupants of 74 buildings being foreclosed upon, which alerted any tenant residents that they have the right under District law to remain in their units regardless

of the foreclosure and any change in ownership. We also sent letters to 4,155 rental units that had received TOPA Offers of Sale to apprise them of their rights and our availability to help them exercise their rights.

In FY 2012 our Paralegal Specialist responded to 218 online inquiries through "Ask the Director," an on-line forum for questions from the community. He also initiated a new "Live OTA On-Line Chat" program in which he responds live to community inquiries. The agency continues to expand its use of legal interns and we are especially pleased with the success of our 2012 summer law internship program. One of our recruits, a recent graduate of UCLA Law School, continues to assist us on a temporary basis. A goal of this program is to expose law students to the OTA's wide-ranging legal and policy efforts, and thus encourage more new lawyers to practice in this challenging and under-served area of the law.

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 policy matters affecting tenants whether they arise in the legislative, executive, administrative,

or judicial realm. Over the past year, we helped draft legislation -- and provided testimony, comments, or recommendations -- to the Council and the Mayor's Office, on a range of issue areas, including:

- Rent control reform to address affordability and enforcement problems with the current law; in particular, regarding the so-called "70 percent Voluntary Agreement," which we believe as currently used is eroding rent stabilization in the District;
- Consumer protections for tenants regarding claims of fraud and misrepresentation that are not covered by the Rental Housing Act;
- Prioritization of DCRA's Nuisance Abatement Fund to prevent tenant displacement from accommodations with chronic housing code violations;
- Residential lease reform to address problems such as unlawful lease clauses, unreasonable landlord entry, and fees in lease addendums that circumvent rent control;
- A "D.C. Tenant Bill of Rights" to be attached to every residential lease issued in the District, which would reduce disputes by educating both tenants and landlords about the District's rental housing laws.

In the regulatory realm, the OTA is preparing a second proposed rulemaking for its Emergency Housing Assistance Program (EHAP). We have taken the time in this first agency rule-making to set a high standard of responsiveness and transparency regarding community

input. The OTA also submitted recommendations to DCRA and DHCD regarding proposed rulemaking they issued in the past fiscal year.

Additionally, the OTA became a voting member of the Construction Code Coordinating Board's (CCCB) "Property Maintenance" Technical Advisory Group (TAG). We are pleased that in reviewing the District's construction code for possible amendments, the CCCB adopted two OTA recommendations: one regarding the respective responsibilities of landlords and tenants for pest extermination; and the other regarding a minimal seasonal timeframe for air conditioning if it is a provided service. These proposals are included in DCRA/CCCB's November 2012 Proposed Rule-making, which is still open for public comment.

Regarding judicial and administrative matters, our Policy Division continues to work closely with our litigating attorneys to develop statutory and regulatory arguments for public impact-litigation. Finally, our monthly stakeholder meetings were highly successful in terms of attracting topics and speakers of interest to the community, and attendance at those meetings. Featured presentations included:

- Council staff and the Chairman of the Economic Development and Housing Committee discussing rental housing legislation;

- An expert panel, including the Executive Director of D.C. Housing Authority, addressing the federal housing budget;
- A DHCD presentation about the District's Inclusionary Zoning and Affordable Dwelling Unit programs;
- A DCRA presentation regarding the District's new business organization law; and
- A D.C. Housing Finance Agency presentation regarding the Mayor's Comprehensive Housing Strategy Task Force.

Education and Outreach

Education and outreach about tenant rights 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. 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 tenant community. In FY 2012 we established the "Tenant Education Institute" and moved our veteran Case Management Specialist, Delores Anderson, into the role of "Education Coordinator." In that capacity, Ms. Anderson is fashioning a speaker's bureau and course curriculum, and is developing the Tenant Resource Center.

Additionally, Ms. Anderson and other staff continue to visit all parts of the District to conduct educational workshops, including

assisting elderly tenants and tenants with disability register their status to secure a lower cap on rent increases; educating students about their rights and responsibilities regarding off-campus living; and consulting with tenants regarding the creation and governance of tenant associations. This past fiscal year, the OTA made presentations at over two dozen community events.

The OTA also continues to develop and distribute educational brochures and other materials, including a DC Tenant Bill of Rights; an elderly tenants rights brochure; and instructional materials regarding the tenant right of purchase.

Emergency Housing

The demand for the OTA's Emergency Housing Assistance Program (EHAP) continues to grow. Under the EHAP program, the OTA provides emergency housing assistance to tenants displaced due to the closure of the unit by a government agency, a fire, or other circumstance that renders the accommodation uninhabitable. Assistance can take the form of a hotel or motel stay generally up to fourteen (14) days; help with moving and storage of personal property; first month's rent; and security and utility deposits. In FY 2012, the OTA handled 115 Emergency Housing cases, and provided 337 displaced individuals with

emergency housing assistance. The primary cause of such emergencies continues to be fires. One of our FY 2013 initiatives is to expand existing inter-agency partnerships, and connections to other resources, to increase efficiency and reduce the costs of the EHAP program.

Virtual outreach and data management

The OTA website continues to expand as an outreach mechanism to the community. In FY 2012, the OTA website had 43,288 hits and 137,970 page views. As of FY 2012, we are also accessible through social media including twitter and facebook. We are striving to keep pace with advancements in technology in order to maximize our reach into all parts of the tenant community. We were surprised to learn that over ten (10) percent of hits on the OTA website in FY 2012 were by mobile phone. Accordingly, we are going “virtual” wherever appropriate, and have created “clouds” for our case management data; housing provider rent increase petitions which we review on an ongoing basis; and other resources.

Thank you, Chairperson Orange, 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.

