

DC OFFICE OF THE TENANT ADVOCATE

FISCAL YEAR 2017 ANNUAL REPORT

10 Years and Still Going Strong



CHIEF’S MESSAGE

The past 10 years have flown by quickly and it is always important to take a step back and look at what has been and then what remains to be done. Like reading a novel, you can’t turn to the last page to see how it ends; you must continue to turn the pages to find the salient parts.

The Office of the Tenant Advocate evolved step by step and at each turn, something new was added to the mix. The Agency’s mission of providing education, legal assistance and/or representation, a tenant hotline, and eventually an emergency housing assistance program came one chapter at a time.

Over the years, we have attempted to ensure that we capture the results of those pages. We identify the types of complaints we receive on a daily basis; we compile the number and source of the issues; we look at the causes of the complaints with the thought in mind that a solution is probably just around the corner; and through perseverance, we became flexible enough to take on new assignments.

Thus an emergency housing program emerged that was designed to meet tenants’ needs beyond a 3-day stay, with a moving and storage component that ensured the household values accumulated by a tenant household remained safe. These features and a multitude of others are the things that have defined who the OTA is. The OTA hired talented staff with likeminded focus and collaborated with the non-legal community to expand and embrace the needs of legal representation. How else can you achieve the goals outlined in the statute unless you are willing to open your arms and doors to others who believe it is important to “protect tenants”?

The creation and passage of legislation to enact the Tenant Bill of Rights was a monumental achievement by the Agency because it memorializes the importance of tenant protection. The creation of the Housing Conditions Calendar by the courts with support from the Agency ensured that for the first time, tenants would have their day-in-court. The future of the Agency will be defined by the small, and in some cases, larger victories when addressing the complexities of real estate transactions. The value of the government’s investment in the small engine that could is immeasurable.

I am gratified by what has been accomplished in these first 10 years, and I am humbled by the support that has been given to me to advance the important features that have a direct impact on the lives of many.

Johanna Shreve

Johanna Shreve,
Chief Tenant Advocate





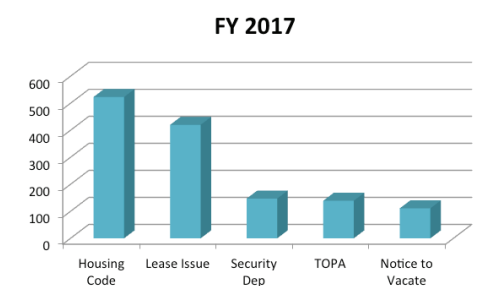
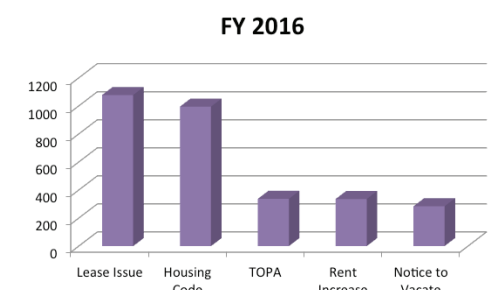
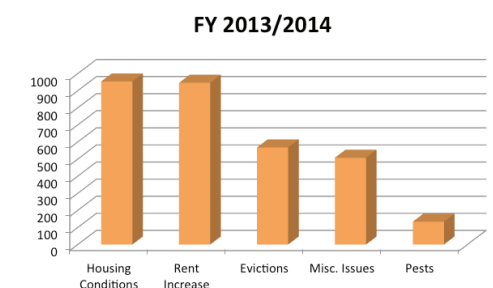
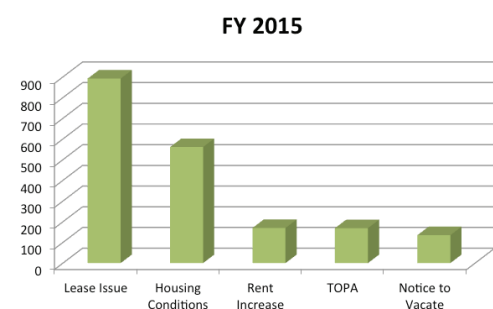
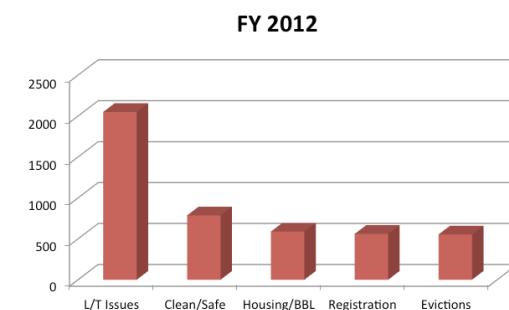
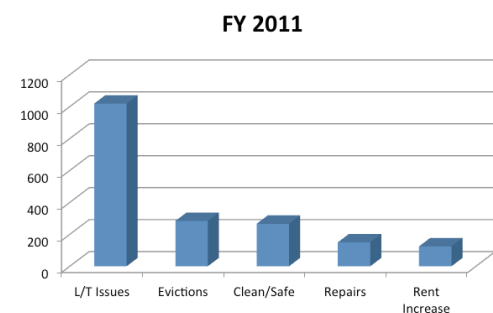
Tracking the Issues!

Every day the Agency handles dozens of tenant inquiries—from all quadrants of the city, whether it's walk-ins or telephone calls. No matter how the tenant complaint reaches us—including indirectly from Council offices, the Mayor's Office of Community Relations (MOCRS), or other District or nonprofit agencies—the intake process helps ensure that we review each complaint and offer appropriate advice and assistance.

We categorize complaints by issue area and publish a list of the top five most frequent complaints in our Annual Report. This allows us to identify both perennial and emerging issues, assess how effectively our citizen engagement is working, and develop new objectives and strategies to improve our delivery of services.

Among the lessons learned during the first decade of operation, we are now aware that: (a) A multitude of aged rental properties throughout the District are in urgent need of repair, (b) Many owners and property managers have little understanding of rental housing laws and desperately need to be trained, and (c) The District needs to apply more pressure on housing providers who consistently fail to maintain their portfolio assets. The latter results in, among other problems, an increase in the number of complaints about indoor mold and the government's international building code to close.

The tracking charts illustrate and illuminate these conclusions. It shows that the District's need to seek creative and effective programs that help to resolve the declining number of affordable houses. These homes are available to those with the greatest housing needs, whether financial, educational, or otherwise.

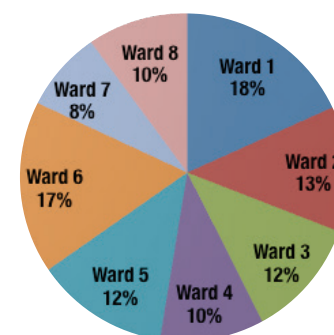


Since FY15, OTA has conducted a more detailed tracking of the top issues affecting the District's tenants. From FY15 to FY17, the top five matters for which tenants have sought OTA's guidance have been:

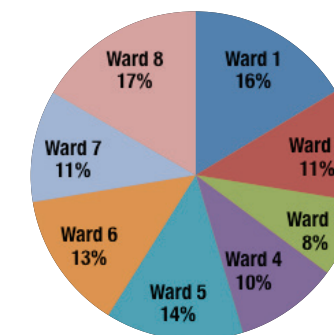
1. Lease Issue	2952	3. Rent Increase	768	5. TOPA	511
2. Housing Code	2186	4. Notice to Vacate	706		

The tracking charts (below) illustrate these conclusions and the fact that the District needs to find more creative and effective programs to solve these problems, whether financial, educational, or otherwise.

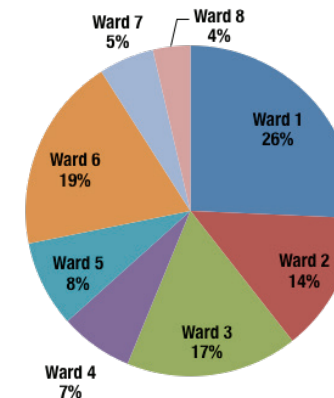
LEASE ISSUE



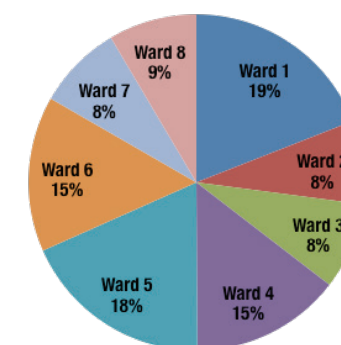
HOUSING CODE



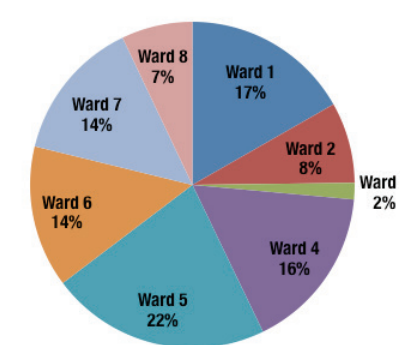
RENT INCREASE



NEED TO VACATE



TOPA



How Big Things Come from a Small Engine

The Agency is responsible for four statutory areas, including legal representation. Since the beginning, it was apparent that a successful Agency would require a professional and efficient division primarily focused on the creation of legal strategies to assist the DC rental community. To effectively achieve this goal, the Agency developed a protocol that requires each tenant visit to yield attending staff with pertinent information through a series of steps. The protocol includes (a) identifying the status of the housing provider’s compliance with regulatory requirements such as having an “up-to-date” – “basic business license”, (b) searching DCRA records for any outstanding housing code violations, and (c) determining ownership status.

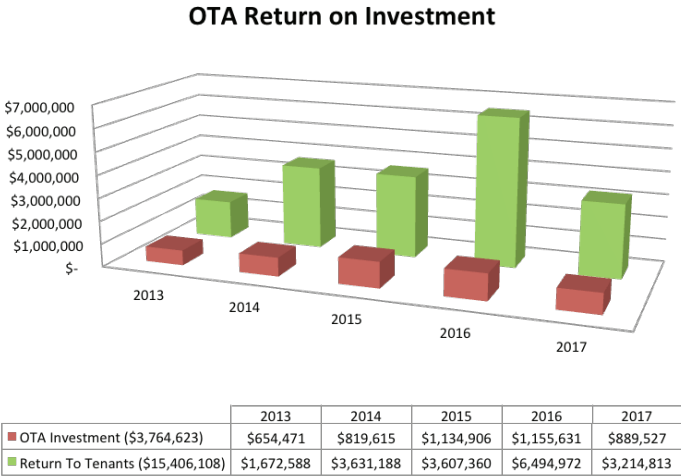
By starting the interview process with this needed information, the OTA staff is prepared to begin and meet the deliberative process that ultimately leads to the most appropriate recommended action steps to be taken in the course of reaching a resolution to the problem.

Tenant complaints are maintained in a computerized tracking system that became operational in 2011. The tracking system is designed to provide staffers with as much administrative agility as possible in accessing information for any number of tasks. On its simplest level, when a tenant contacts the Agency a staffer can immediately identify whether the tenant has previously contacted the office; whether the case was a walk-in, phone call, or Ask the Director inquiry; where the tenant lives or has lived; which OTA staffer or staffers were engaged; whether or not the initial complaint was resolved; and if not, what action items are yet to be taken.

With this information in hand, case management specialists and the attorney advisors are generally the first in line to address the tenant’s issue. These staffers discuss the matter with the tenant and develop action items for both the tenant and the Agency. When the tenant falls into a special category, such as elderly tenants or subsidized tenants, we may refer the matter to a contracted Legal Service Provider or another outside legal group that possesses the relevant expertise.

The Agency tracks the internal results of legal recommended actions and the results of its contracted legal service providers. The chart below illustrates what monetary values have resulted over the years. The return on the government’s investment in Agency legal representation activities shows how a modest investment has produced a much larger gain.

The Agency’s legal division also addresses another enumerated statute requirement—the Tenant Hotline Program. This segment of the legal division is responsible for four areas of responsibilities: direct phone contact, Ask the Director, Ask the Mayor correspondence, and the OTA Live Chat, an online service provided on the last Tuesday of each month.



Policy Advocacy

Another of the Agency’s core programs is to serve as a voice for the tenant community in promoting better tenant protection laws and policies in the District. This task involves constant monitoring and review of legislation at the federal and local level, rule-making by government regulatory agencies, or in many instances statutory and regulatory interpretation of court rulings.

During its first decade, the Agency has been active in the development of a wide range of legal and policy issues that directly affect the lives of DC tenants. Certain issue areas have risen to the top as Agency priorities, as can be seen by our contributions below to numerous legislative enactments:



Rent Control and Housing Affordability

- Law 16-236, the “Additional Sanctions for Nuisance Abatement and Office of the Tenant Advocate Duties Clarification Amendment Act of 2006”
- Law 19-0283, the “Schedule H Property Tax Relief Act of 2011”
- Act 20-0430, the “Rent Control Hardship Petition Limitation Emergency Amendment Act of 2014”
- Law 21-197, the “Rent Control Hardship Petition Limitation Amendment Act of 2015”
- Law 21-197, the “Rent Control Hardship Petition Limitation Amendment Act of 2015”
- Law 21-239, the “Elderly and Tenant with a Disability Protection Amendment Act of 2016”

“What does it mean to be an advocate? ... Advocacy not only means endorsing a cause or idea, but recommending, promoting, defending, or arguing for it.”

—John Capecci and Timothy Cage, Living Proof: Telling Your Story to Make a Difference

Other Rental Housing Act (non-rent control) Reform

- Law 18-328, the “Rental Housing Act Extension Amendment Act of 2010”
- Law 19-0140, the “Tenant Security Deposits Clarification Amendment Act of 2011”
- Law 20-147, the “Tenant Bill of Rights Act of 2013”
- Law 21-0172, the “Rental Housing Late Fee Fairness Amendment Act of 2016”
- Law 21-210, the “Residential Lease Amendment Act of 2016”

Tenant Right of Purchase and Rental Conversion Reform

- Law 17-234, the “Tenant Opportunity to Purchase Notification Amendment Act of 2008”
- Law 17-354, the “Conversion Fee Clarification and Technical Amendment Act of 2008”
- Law 18-193, “Tenant Opportunity to Purchase Preservation Clarification Act of 2009”
- Law 21-0063, the “TOPA Bona Fide Offer of Sale Clarification Amendment Act of 2015”

Government Agency Reform and Access to the Courts

- Law 17-366, the “Housing Regulation Administration Amendment Act of 2008”
- Law 18-226, “Tenant Organization Petition Standing Amendment Act of 2009”
- Law 18-327, the “Rental Housing Commission Reform Amendment Act of 2010”
- Law 21-0211, the “Relocation Expenses Recoupment and Lien Authority Amendment Act of 2016”
- Law 22-0033, the “Expanding Access to Justice Act of 2017”

Housing Conditions

- Law 17-319, the “Abatement of Nuisance Properties and Tenant Receivership Amendment Act of 2008”
- Law 17-381, the “Lead Hazard Prevention and Elimination Act of 2008”
- Law 18-348, “Lead Hazard Prevention and Elimination Amendment Act of 2009”
- Law 20-0135, the “Air Quality Amendment Act of 2013”

Education

“Education is the most powerful weapon which you can use to change the world.”

— Nelson Mandela

Education is also an enumerated statutory duty and has remained a top priority for the Agency since its inception. Throughout its history, many strides have been made to promote education and outreach. From regular stakeholder meetings, the Annual Tenant and Tenant Association Summit, to more informal sessions with tenants at their accommodations, nothing has been more important than raising tenant awareness of the Agency’s existence, rental housing laws, and tenant’s rights.

The Tenant Bill of Rights, which is now law, serves as a daily reminder of the importance of tenants knowing their rights. This law is vital as it requires housing providers to be diligent in informing prospective tenants applying for rental housing units in the District about their rights. Today, all applicants must be given a copy of the Tenant Bill of Rights as a matter of law.

Community engagement is a vital educational vehicle to ensure we are there to answer pertinent questions regarding tenant rights. Community engagement also helps us assess any other issues that need to be added to the Agency’s educational dialogue.

The Agency has participated in a multitude of community events, helped establish countless tenant associations, and created an Educational Institute whose focus is the development, creation and implementation of a core curriculum that focuses on tenant rights, Renter Rights 101. After the creation of the Renter Rights 101 we began the quest of accreditation and in FY17 the course became accredited for DC real estate professionals.

For a decade we have held a Tenant Summit every year that provides the tenant community with key information regarding federal and district legislation and how it will affect the tenant community. In keeping with our commitment to provide legal representation, each summit offers a legal clinic where tenants can receive one-on-one legal consultations free of charge and which invariably lead to more in-depth engagements with both OTA attorneys and other attorneys who volunteer at this event.

The OTA has also created topical brochures on a variety of subjects derived from the Agency’s complaint-driven process. Further exploration is underway to assess the cost of turning those brochures into applications to meet the technological needs of today’s tenant society.



Emergency Housing

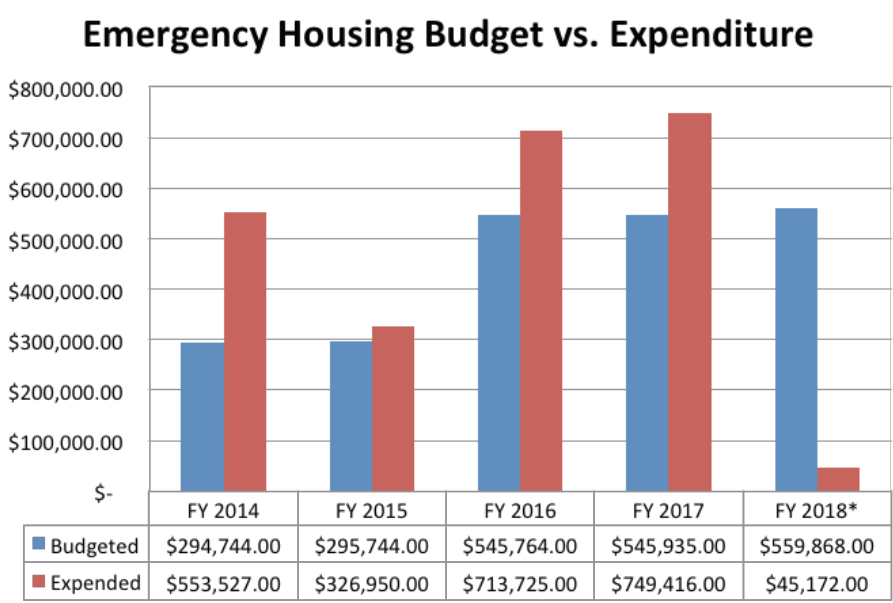
“Danger Will Robinson ----- Danger!” — Lost in Space TV series (1960s original, 2018 remake)

Since 2009, the Agency has answered the call when tenants are displaced due to an unanticipated event that renders them temporarily homeless. Whether that even is a building closure by a District government agency due to unsafe and uninhabitable conditions or a fire, or nature sweeping away a roof top the Agency is ready to respond.

The Emergency Housing Assistance Program (EHAP) is a small but vital component of the OTA. The program’s goal is to provide families and individuals with the ability to get their lives back together by providing alternative housing accommodations, assistance from government agencies, and most importantly protection for our children. Prior to the creation of this first-of-its-kind government program, tenant families had three (3) days to figure all this out. EHAP extends that time beyond the program basis accommodation term of 14 days, as circumstances may warrant.

When a tenant family finds itself without the place they call home because of a fire, sewer backup, flooding, or a building closure due to uninhabitability, the OTA is there to offer a helping hand. During the past seven years the Agency has worked closely with the Red Cross and DC Homeland Security, the Department of Human Service’s Strong Families division, as well as the Department of Consumer and Regulatory Affairs (DCRA) to ensure that the lives of the affected families are given the opportunity to regain a second chance at decent, safe and sanitary housing. As of the end of FY’17 the agency has served more than 987 families, providing solace and encouragement as they set out on a new life journey.

The chart found below provides an analysis of the approved budget received by the agency on an annual basis for the past four years and illustrates what impact substandard housing has had on the government’s commitment to not allow its citizens to remain in a disruptive state. The Emergency Housing Assistance program is the only one of its kind in the nation.



*FY 2018 Expenditure through March 1, 2018.

Our Mission

The Agency’s mission is to provide technical advice and other legal services to tenants regarding disputes with landlords; to educate and inform the tenant community about tenant rights and rental housing matters; to advocate for the rights and interests of District renters in the legislative, regulatory, and judicial contexts; and to provide financial assistance to displaced tenants for certain emergency housing and tenant relocation expenses.





*Find out more about OTA through our various online
newsletters and social media outlets, available at ota.dc.gov*