



OFFICE OF THE TENANT ADVOCATE

*** PUTTING PEOPLE FIRST.

ANNUAL REPORT 2008



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The Office of the Tenant Advocate (OTA) is pleased to provide this Annual Report covering fiscal year 2008 to the Council of the District of Columbia and the Office of the Mayor.

The report highlights OTA's accomplishments in FY 2008, which we believe furthered the agency's core missions: legal representation, legal advocacy, and education and outreach on tenant rights throughout the District's varied communities.

The number of D.C. residents served by the OTA during this past fiscal year increased by over 50 percent. The five most problematic issues confronting tenants remained consistent by comparison with fiscal year 2007. These persistent top issues strongly suggest that all parts of the government must work harder, and must work together, to improve the affordability and quality of housing for District tenants, and to educate and empower tenants to vindicate the rights they now have on paper. The OTA continues to create new programs and products that can serve as tools to achieve these goals in all corridors of the District.

Establishment of intra-governmental relationships with the Offices of Asian and Pacific Affairs, Latino Affairs and African Affairs, and the Departments of Housing and Community Development, and Consumer and Regulatory Affairs, allowed the OTA to capitalize on the array of resources and programs administered by these agencies that can also help tenants. At the same time, OTA pursued public/private partnerships with agencies and organizations that have similar goals and objectives.

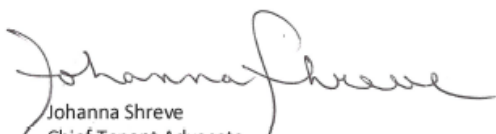
OTA increases in service contracts with both the non-profit and for-profit legal communities resulted in representation for tenants who would not otherwise have had representation. The first Tenant/Tenant Association Summit in September 2008, resulted in a District-wide tenant forum at which tenants and their associations received further education regarding their rights and responsibilities, and discussed such matters as the possibility of forming a District-wide tenant coalition. Negotiation education was incorporated into OTA's tenant meeting presentations in order to promote good tenant/management relations and tenant empowerment.

Aggressive OTA monitoring of housing providers' regulatory obligations resulted in the identification of delinquent rental unit registrations and/or the lack of basic business licenses. Consequently, OTA was able to assist DHCD and DCRA's enforcement and compliance efforts, and also revenue enhancement through the capture of additional, delinquent fines and fees.

The OTA's move into permanent space in October 2008, has had a significant positive impact on the manner in which agency services are delivered. The office was designed to promote a calm environment that helps to reduce the levels of stress experienced by many tenants seeking assistance and relief regarding their housing concerns.

The economic downturn has also produced additional challenges, such as reduced funding to community-based housing organizations who also service tenant needs. A significant slow down in the number of condo conversions may have contributed to fewer affordable housing rental units being lost. A counter veiling phenomenon is the extraordinary increase in housing providers' operational costs, and particularly utility costs. This may have further contributed to the long-standing problem of deferred maintenance, which generally serves to increase the number of housing provider petitions filings to increase the rent in rent controlled buildings beyond the standard allowable annual increase.

The OTA continues to seek innovative solutions to address these and the other problems that tenants frequently confront.


Johanna Shreve
Chief Tenant Advocate
Office of the Tenant Advocate



ABOUT THE OFFICE OF THE TENANT ADVOCATE

Mission

The mission of the Office of the Tenant Advocate (OTA) is to advocate for the rights and interests of the tenants of the District, and to educate and inform tenants, tenant organizations and the people of the District about tenant-related laws, rules and policy matters.

Purpose

The legislation creating the Office of the Tenant Advocate (OTA) was enacted in response to concerns regarding the welfare of DC's tenants because:

- Tenants often don't know their legal rights as renters and they have trouble learning their rights.
- Tenants frequently can't pay for legal representation.
- Tenants usually don't know how to use lower-cost court mediation and adjudication services.

The Office of Tenant Advocate provides services to District of Columbia residents in four vital areas: Advocacy, Community Outreach, Legal Representation and Education.





- Advocate for changes in laws and regulations.
- Work to make sure that rental housing providers (property owners) follow the requirements set forth in the 1985 Housing Act and related amendments and the Tenant Opportunity Act (TOPA), which gives renters the right of first refusal when an owner wants to sell.
- Monitor and protect elderly and disabled renters' rights.
- Serve as the government watchdog for regulatory compliance



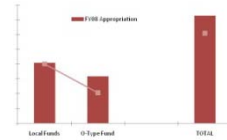
- Assist tenants in preparation for building wide inspections, and conduct visual inspections as the first phase of DCRA inspections.
- Work with tenants and resident organizations to build strong leadership, which can lead to improved living conditions.
- Coordinate and communicate with the community based organizations.
- Assist tenants living in rent-controlled buildings in understanding their rights.



- Create educational material on rental housing laws, rules, regulations and other policies, especially rights to petition and to form tenant organizations.
- Provide up to the minute analysis of changes in laws affecting tenant rights.
- Conduct education workshops to reinforce the tenants understanding of their rights.



- Advise tenants of their legal rights, individually and in group settings.
- Assist tenants in finding representation for court and administrative proceedings
- Assist tenants in completing and filing tenant petitions.
- Assist tenants in mediation and other alternate dispute resolution forums.
- Coordinate the efforts of the tenant-oriented legal community.



Executive Budget Summary



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EXECUTIVE BUDGET SUMMARY

FY2008

Revenue

The budget authority for FY2008 is \$1,824,033, comprising two sources of funding.

Local Appropriations: FY2006 was the initial year in which OTA received local funding from the District of Columbia. At that time, it received \$569, 650. The local appropriation for FY2008 was \$1,024,033, an increase of 80% over the initial funding.

O-Type Funds: There are two revenue sources for O-Type funds, or Special Purpose Revenue, for OTA. One source is from the Condo Conversion Fund (Fund 6005); the second is from Rental Accommodation Fees (RAF). (RAF are currently recorded by the Department of Consumer and Regulatory Affairs (DCRA) in Fund 1000; however, OTA is submitting legislation to establish an O-Type Fund in SOAR during FY2009).

Condo Conversions generated revenue of \$1,385 in FY2004. In FY2008, the Condo Conversion Fund collected \$2,354,943. From FY2004 to FY2008 the Fund has collected a total of \$4,724,405. The audited Condo Conversion Fund Balance at the end of FY2008 is \$4,438,507.

During the year DCRA collects an annual amount from the Basic Business Licensing fee. On a monthly basis OTA is allocated 30% of the funds collected. In FY2007, the first year of activity attributed to OTA, \$551,633 was collected in total by DCRA and of that amount \$165,490 (30% of the collection) is available for OTA operations. \$165,490 was collected from 3,849 housing units. In FY2008 a total of \$3,357,196 was collected by DCRA and of that amount \$1,007,159 is available for OTA operations. The

\$1,007,159 was collected from the licensing of 23,422 housing units.

Personnel

Beginning in FY2006, OTA was composed of six FTE's. In FY2007 the number of FTE's increased to nine. In FY2008 OTA has 18 FTE's; 14-filled and 4-vacant.

Operations

From FY2006 to FY2007 OTA operated as a dependent entity within DCRA. In FY2006 OTA was an activity within the Inspection and Compliance Program of DCRA, in FY2007 OTA became its own program in DCRA, and at the beginning of FY2008 OTA became an independent agency in the District of Columbia.

In the infancy stage of operations, including its first year of independence, OTA had one program titled – Program 7010 Office of the Tenant Advocate. During this period OTA developed its mission statement, strategic plan, and recruited key personnel including “tenant advocates” who handle tenant casework. As an independent agency in FY2008, OTA had an operating budget of \$1,824,033; Local Appropriation - \$1,024,033 and O-Type Funds - \$800,000. In the first year of operations OTA spent the majority of its funding on start-up costs in the areas of personnel, supplies, contractual services, and equipment and machinery. Other than personnel costs, history indicates OTA will expend the majority of its funds on contractual services for legal service providers. In FY2008 OTA spent \$786,403, 42.5% of its overall funding, in this line item. Based on the economic and social conditions we currently face, OTA anticipates a significant expansion in the demand for services over the next couple of years.



FY2009

Revenue

The budget authority for FY2009 is \$2,530,339, comprising two sources of funding.

Local Appropriations: The local appropriation for FY2009 is \$842,274.

O-Type Funds: The Condo Conversion Fund appropriation for FY2009 is \$1,688,065. The revenue collected from Rental Accommodation Fees was not factored into the budget for FY2009.

In the first five months of FY2009 the Condo Conversion Fund has collected \$190,743. For this same timeframe \$379,862 has been collected from approximately 1,573 housing units in Rental Accommodations Fees by DCRA, of which \$113,958, 30%, is available for OTA operations.

Personnel

In FY2009 OTA has 17 FTE's; 14-filled and 3-vacant.

Operations

During its second year of operations as an independent agency, OTA is expanding its programs

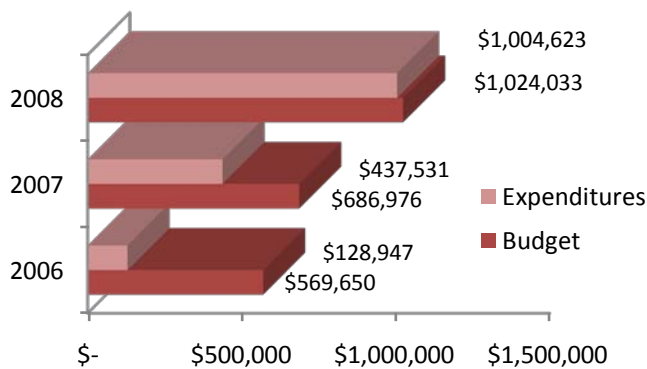
into four programmatic areas: Program 1000 – Agency Management, Program 2000 – Community Services, Program 3000 – Legal Representation, and Program 7000 – Office of the Tenant Advocate. Expanding its budget structure this way allows OTA to capture the real cost to run a program, which will lead to a more efficient, cost-saving operation. The operating budget in FY2009 is \$2,530,339; Local Appropriation - \$842,274 and O-Type Funds - \$1,688,065. Compared to FY2008 Local funds decreased by \$181,759 or 18% and O-Type Funds increased by \$888,064 or 111%.

Because Local funds are appropriated from the General Fund, overall lower revenue projections for the District of Columbia during FY2009 mandated further budget reductions. At the Mayor's request OTA rescinded \$121,977 of its FY2009 Local funding as well. On the other hand, OTA requested budget authority for a substantial amount of O-Type Funds. The reason for this budgetary expansion is to satisfy the expected demand for funds, according to its legislative mandate, in the areas of tenant relocation, Home Purchase Assistance Program (HPAP), emergency housing, and related administrative costs.



Local Appropriation – Historical Budgetary Data

	2006	2007	2008
Budget	\$569,650	\$686,976	\$1,024,033
Expenditures	\$128,947	\$437,531	\$1,004,623



The historical Local budgetary trend depicts an agency that was once a dependent entity within the Department of Consumer and Regulatory Affairs (DCRA) from FY2006 to FY2007. In FY2006 the Office of the Tenant Advocate (OTA) was an activity within the Inspection and Compliance Program of DCRA with a budget of \$569,650. In FY2007 OTA became its own Program in DCRA and its Local appropriation increased by 21% to \$686,976. By FY2008 OTA became an independent agency in the District of Columbia. The FY2008 Local appropriation increased to \$1,024,033 a 49% increase from the prior year.

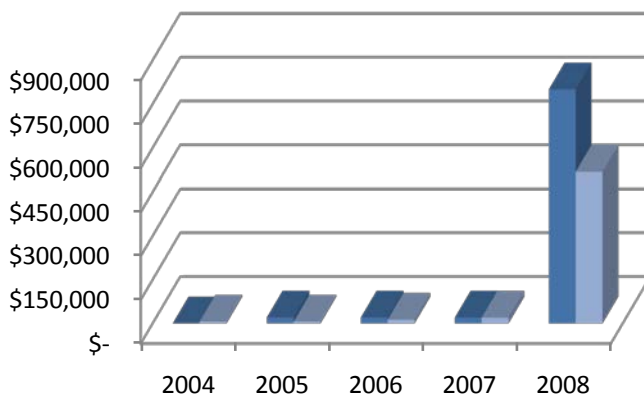
For FY2006 there were 6 FTE's; in FY2007 there were 9 FTE's; and in FY2008 there were 15 FTE's.

Trend from FY 2006 to FY 2008

O – Type Condo Conversion Fund – Historical Budgetary Data

	2004	2005	2006	2007	2008
Budget	\$ -	\$20,000	\$20,000	\$20,000	\$800,000
Expenditures	\$6,132	\$5,724	\$12,924	\$19,740	\$517,882

■ Budget
 ■ Expenditures



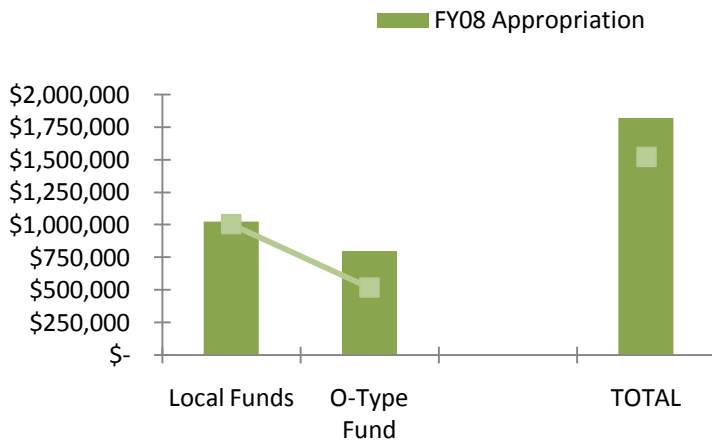
The historical O-Type budgetary trend depicts an agency that was once a dependent entity within the Department of Consumer and Regulatory Affairs (DCRA) from FY2004 to FY2007. In FY2008 the Office of the Tenant Advocate (OTA) became an independent agency within the District of Columbia.

For FY2008 3 FTE's.

Trend from FY 2004 to FY 2008

FY '08 Budget Vs. Actual Data

	FY08 Appropriation	FY08 Expenditures	FTE Count
Local Funds	\$ 1,024,033	\$ 1,004,623	15
O-Type Fund	\$ 800,000	\$ 517,882	3
TOTAL	\$ 1,824,033	\$ 1,522,505	18



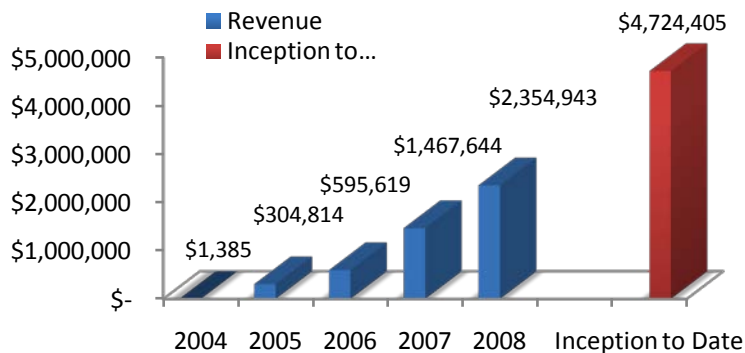
Office of the Tenant Advocate - Budgetary Data

In FY2008 OTA received \$1,824,033 in budget authority to execute its mission: to advocate, educate, and create a legal protection system, technological support services and community-based programs for renters in the District of Columbia. The budget for FY08 was developed based on one program titled - Program 7010 Office of the Tenant Advocate. Nevertheless, the agency accomplished all of its goals with the support of 18 FTE's. For FY2009 the budget was restructured to reflect more accurate budgetary data based on four programs and ten activities.

OTA spent 98% of its Local Funds and of this funding source 58% was spent on PS cost and 42% was spent on NPS cost. For the O-Type Condo Conversion Fund OTA spent 65% of these funds with 5% spent on PS cost and 95% was spent on NPS cost.

O – Type Condo Conversion Fund – Historical Revenue Data

	2004	2005	2006	2007	2008	Inception to Date
Revenue	\$1,385	\$ 304,814	\$595,619	\$1,467,644	\$2,354,943	
Inception to Date						\$4,724,405



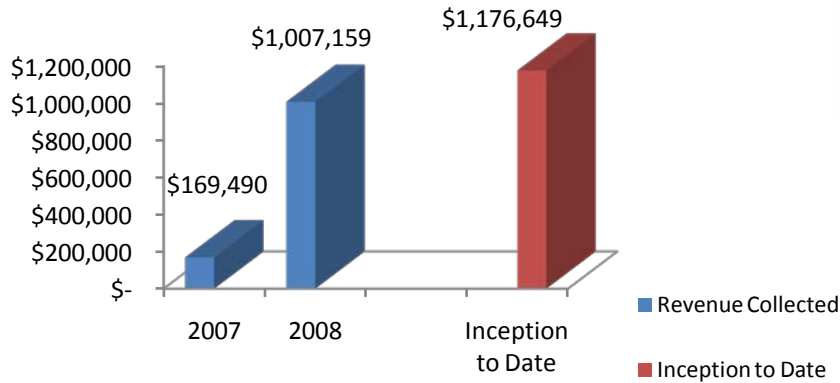
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Trend from FY 2004 to FY 2008

O – Type Rental Accommodation Fees – Historical Revenue Data

	2007	2008	Inception to Date
Revenue Collected	\$169,490	\$1,007,159	
# of Units that paid	3,849	23,422	
Inception to Date			\$1,176,649

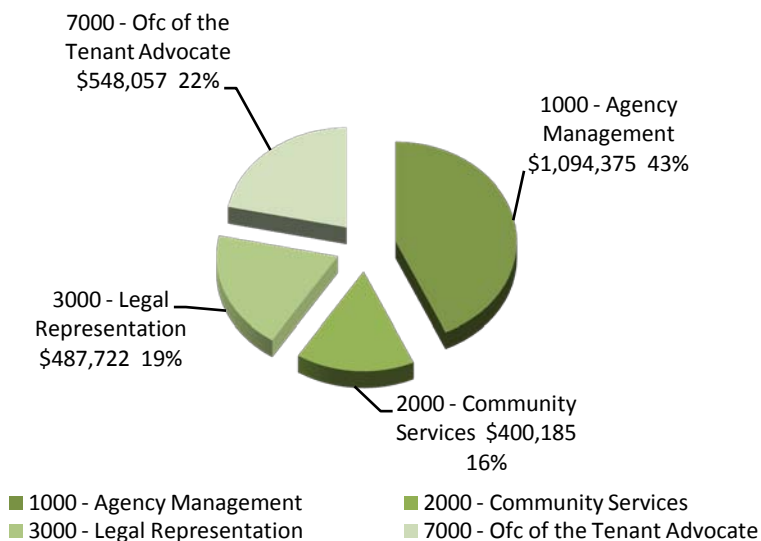


For FY2007 and FY2008 housing providers are required to pay to the District of Columbia \$43 per unit every two years for each housing unit that is owned and rented.

Trend for FY 2007 and FY 2008

FY '09 Budget by Programs

FY09 Program Name	FY09 Appropriation
1000 - Agency Management	\$ 1,094,375
2000 - Community Services	\$ 400,185
3000 - Legal Representation	\$ 487,722
7000 - Ofc of the Tenant Advocate	\$ 548,057



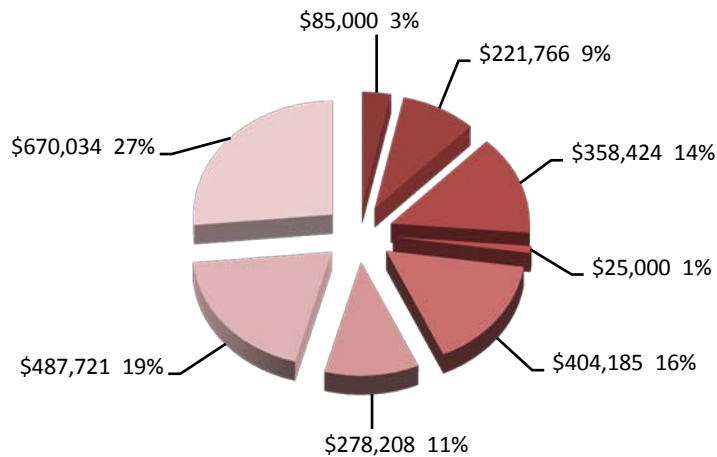
The Office of the Tenant Advocate's FY2009 budget is \$2,530,338 which is segmented into four functional program areas. 57% of the agency's funding goes directly to advocacy work, community services, and housing assistance to tenants who live in the District of Columbia. The remaining 43% of the budget is for administration and management, information technology and communications.

Budget by Program

FY '09 Budget by Activity

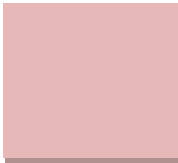
FY09 Activity Name	FY09 Appropriation
1020- Contract & Procurement	\$ 85,000
1030 - Property Management	\$221,766
1040 - Information Technology	\$358,424
1080 - Communications	\$ 25,000
1090 - Agency Management	\$404,185
2010 - Community Services	\$278,208
3010 - Housing Assistance	\$487,721
7010 - Ofc of the Tenant Advocate	\$670,034

The Office of the Tenant Advocate's FY2009 budget is \$2,530,338 which is segmented into eight functional activity areas. 57% of the agency's funding goes directly to advocacy work, community services, and housing assistance to tenants who live in the District of Columbia. In FY2009 the strategic plan includes investing 14% of its budget to build a user-friendly, easily accessible web based tenant question and answer databank. The remaining 29% of the budget is for administration and management of the agency.



- 1020- Contract & Procurement
- 1040 - Information Technology
- 1090 - Agency Management
- 3010 - Housing Assistance
- 1030 - Property Management
- 1080 - Communications
- 2010 - Community Services
- 7010 - Ofc of the Tenant Advocate





Legislative Report



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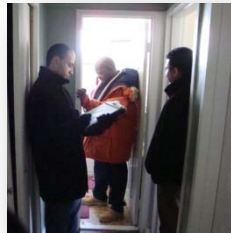


LEGISLATIVE REPORT

2009 INTERAGENCY PRIORITIES

Coordination with DCRA regarding Building-Wide Inspections

Under D.C. Official Code §42 -3531.07(6) the OTA has a statutory mandate to organize tenants and tenant organization participation in building-wide inspections (BWI). Currently, all BWI requests are routed through the OTA and the OTA stays engaged throughout the process. The OTA has developed a draft protocol, approved by DCRA on March 5, 2009 that formalizes this process. The protocol will cover every stage of the process from the initiation of the government's response to a tenant request to ensuring that tenants receive any inspection report or notice to which they are legally entitled.

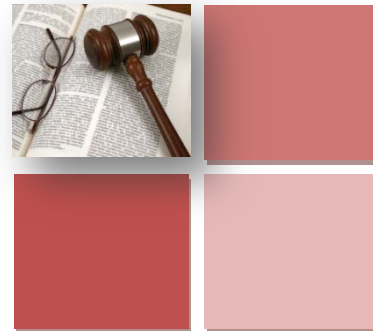


prerequisites have been met. The reality, however, is that the Rent Administrator's office merely rubber-stamps rent increases upon the housing provider's request. This "passive approval" process disregards the meaning of section 208 and eliminates the incentive for housing providers to comply with housing code requirements, and places an unnecessary and onerous burden both on tenants and on various District agencies in terms of securing housing provider compliance with the housing code.

Over the past year, the OTA has engaged in constructive dialogue with the Housing Regulation Administration to move towards active Rent Administrator approval of rent increases. While verifying proper registration and licensing should be relatively easy, verifying substantial compliance with the housing regulations presents more challenges. For example, inspection reports may not clearly distinguish between substantial and insubstantial housing code violations. Nevertheless, we believe at least a phased implementation of "active Rent Administrator approval" is eminently doable.

Active Rent Administrator Approval of Rent Increases

Under section 208 of the Rental Housing Act of 1985 (D.C. Official Code §42-3502.08), "the rent for any rental unit (under rent control) shall not be increased above the base rent unless" certain conditions are met: (A) the rental unit and the common elements are in substantial compliance with the housing regulations; (B) the housing accommodation is properly registered; (C) the housing provider of the housing accommodation is properly licensed; (D) the manager of the accommodation, when other than the housing provider, is properly registered; and (E) the notice of the increase complies with the Act. Since the Rent Administrator is responsible for authorizing rent increases, the law clearly contemplates **active** Rent Administrator review of rent increase applications to verify whether the statutory





OTA Played Pivotal Roles in Tenant and Housing Related Legislation

Bill 17-979, the “Housing Regulation Administration Amendment Act of 2008”

Bill 17-640, the “Tenant Opportunity to Purchase Notification Amendment Act of 2008”

Bill 17-778, the “Rent Control Protection Amendment Act of 2008”

Bill 17-61, the “Evictions with Dignity Amendment Act of 2007”

Bill, 17-179, the “Conversion Fee Clarification and Technical Amendment Act of 2008”

Bill 17-339, the “Affordable Housing Clearinghouse Directory Act of 2007”

Bill 17-729, the “Abatement of Nuisance Properties and Tenant Receivership Amendment Act of 2008”

Bill 17-936, the “Lead-Hazard Prevention and Elimination Act of 2008”

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"Housing Regulation Administration Amendment Act of 2008"

OTA role: Drafted the substitute legislation; drafted amendment that gave OAH jurisdiction over all cases involving the non-return of tenant security deposits (previously OAH only had jurisdiction over the non-return of interest on security deposits).

Bill 17-979

"Rent Control Protection Amendment Act of 2008"

OTA role: Drafted legislation in response to increasing use of Voluntary Agreements to take buildings out of rent control contrary to the VA's original purpose to allow housing providers and tenants to agree to a rent increase as an alternative to any of the housing provider petition processes provided for in the Rental Housing Act of 1985.

Bill 17-778

"Tenant Opportunity to Purchase Notification Amendment Act of 2008"

OTA role: Drafted the legislation in response to the concern of community service providers who rely on timely list from the Mayor (via OTA) of affected buildings to help tenants exercise their TOPA rights.

Bill 17-640

Bill 17-61, the "Evictions with Dignity Amendment Act of 2007"

OTA role: Researched similar program in Baltimore, which has fallen into disuse, and recommended limiting the program at least at its inception to allow the Council to assess its viability and potential for growth. The bill as enacted limits the program to 500 persons per fiscal year and limits funding per tenant household to \$750.

Bill 17-61

“Conversion Fee Clarification and Technical Amendment Act of 2008”

OTA role: Recommended replacing the vacancy exemption with the carve-outs for low-income tenants and tenants currently residing in the building.

Bill 17-640

“Abatement of Nuisance Properties and Tenant Receivership Amendment Act of 2008”

OTA role: Recommended the provision regarding Housing Assistance Fund payments to tenants displaced by condemnation; recommended the provision protecting tenants’ 4th Amendment right, specifically the right to demand an administrative search warrant before being subjected to criminal or civil penalties for interfering with government access to units for the purpose of inspection or repair work.

Bill 17-729

“Affordable Housing Clearinghouse Directory Act of 2007”

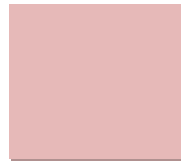
OTA role: Assisted the advocates in drafting the legislation.

Bill 17-339

“Lead-Hazard Prevention & Elimination Act of 2008”

OTA role: Participated in negotiations which resulted in provisions protecting tenant 4th Amendment rights regarding government access to units for purposes of inspections and repair work, and enhancing tenant rights regarding relocation while their unit is being abated including clarifying the absolute right of the tenant to return to the unit after the repair work is completed.

Bill 17-936



Outreach



Outreach

The office of the Tenant Advocate has embarked on an **aggressive** multi-pronged information campaign to elevate the public's awareness of the agency.

Advertisements/ Features/ Interviews:

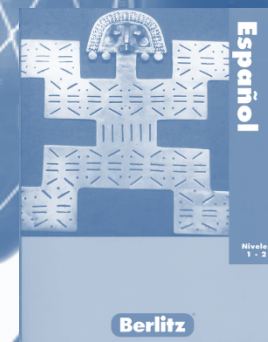
Metro bus adds
Hill Rag,
East of the River
WKYS Radio
Washington Post
WPFW Radio

NPR
El Zol Radio
DC North
Univision
City Paper

The First Annual **Tenant Summit** brought together 224 Registrants from across the District.

OTA provides an array of **online resources** for tenants. Please visit www.ota.dc.gov to find out more.

OTA is committed to reaching the **Limited English Population**—Ads are made in English and Spanish; bi-lingual materials are offered and being created for District tenants. As commitment to this goal, all OTA staff are required to take **language training** courses.



2008 Tenant Summit



Ward 5 Council Member Harry Thomas, Jr. addresses attendees at the Tenant Summit

Attendees of this free conference were given the opportunity to attend and participate in a variety of workshops over the course of the day. Workshops, resources, and information were included on affordable housing; building and maintaining successful tenant associations; Tenant Purchase Process (TOPA); foreclosures and eviction; and tenant rights. The Summit consisted of 16 exhibitors.

The First Annual Tenant Summit made translations of Spanish and Chinese available as well as sign language interpretation for the 224 registrants. All wards were represented at the event.

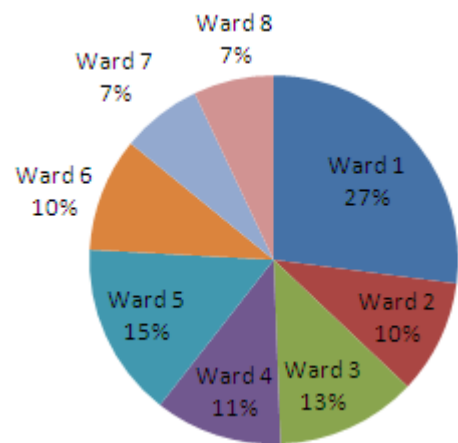
DC tenants were given the opportunity throughout the Summit to interact with the Office of the Tenant Advocate, city officials and other community leaders and to voice their opinions, questions and concerns.

It is OTA's hope that continued outreach in the community through highly informative events such as the Tenant Summit can further empower DC tenants and help them combat the many challenges they face in the rental housing market.



Ward 1 Council Member Jim Graham discusses OTA's commitment to DC Tenants with a reporter outside of a Tenant Summit session.

Summit Participants by Ward



Numbers are based on 224 Summit registrants

Tenant Summit Sessions

Affordable Housing Action and the Tenant Community

Creating a Citywide Tenant Association

All You Need to Know about the Tenant Purchase Process (TOPA)

Foreclosure Doesn't Mean Eviction

Maintaining Your Tenant Association

Understanding Your Tenant Rights

ABC's of Buying Your Property



“We need to make every available opportunity to talk to our tenants, to create programs and to connect.”
(Ward 5 Council Member



“Tenants didn’t have the kind of strength and direction that they needed to confront what are often very serious problems at the hands of property owners.”
(Ward 3 Council Member Mary Cheh)

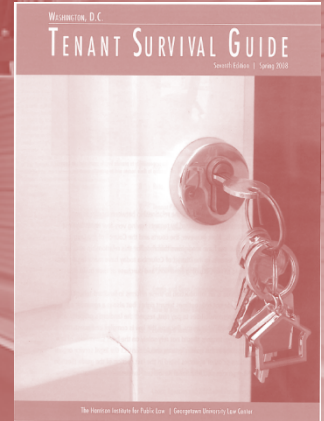
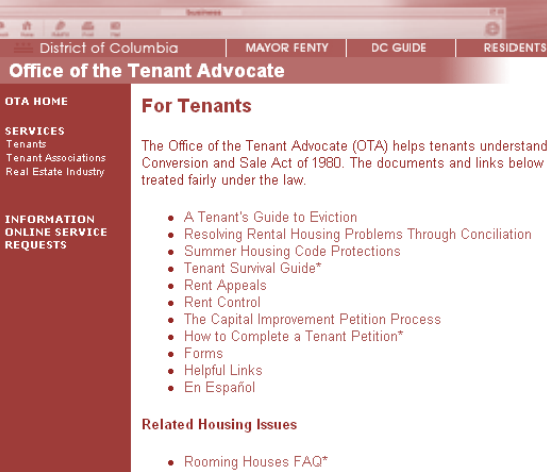


“We insured that the office [Office of the Tenant Advocate] would be independent so you could have an independent voice representing the tenants, so that nobody could squelch that voice.” (Ward 1 Council Member Jim Graham)

Tenant Summit Quotes



Visit www.ota.dc.gov to Learn your Tenant Rights



Click to Download these Resources and others at www.ota.dc.gov...

Know your rights when it comes to being evicted in **A Tenant's Guide to Eviction**.

Learn an alternative to the court hearing process in **Resolving Rental Housing Problems through Conciliation**.

Empower you and your family with the **Tenant Survival Guide**.

Gain knowledge on the Tenant Petition process in **How to Complete a Tenant Petition**.

Arm yourself with pertinent forms.

Become familiar with the rent appeal process in **Rent Appeals**.

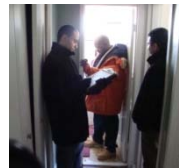
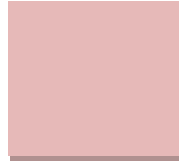
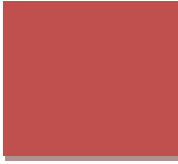
Construct and maintain a powerful and productive tenant association with tools provided on the website.

Understand rent control laws and how you are affected in **Rent Control**.

Stay informed on appeals of Office of Administrative Hearing decisions. Tenants who need assistance in understanding the often-complex issues raised in OAH hearings can log-on to search summaries of appeals.

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Community Advocacy



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COMMUNITY ADVOCACY

2008 Accomplishments and 2009 Goals

Key 2008 Accomplishments

1. Systematization of the tenant-complaint intake process.
2. Engagement and education of the tenant community on legal and policy matters.
3. Improved enforcement of tenant rights by identifying statutory and regulatory gaps as applied in judicial proceedings and by participation in the enforcement process.

Key Accomplishment One

OTA Achievements

- OTA systematized the intake process by creating the intake protocols, intensive training of OTA staff, hiring a General Counsel to supervise the process and verify the advice and information presented to the tenants.
- OTA referral program grew in FY-2008 by 10%.
- OTA developed a tracking system for the number of tenants who request litigation services, and the number of cases resolved either through referral or through in-house litigation.

Challenges Overcome

- Access to DCRA databases was frequently interrupted and continues to be problematic to

this day; OTA had to develop methods to work around these interruptions.

- Information provided by tenants was sometimes faulty; OTA developed protocols to verify presented information and correct the record. Differing sources of information, such as tenants, Council staff, EOM Community Relations staff, ANC Commissioners, and the press, created further challenges in assembling a complete and accurate picture of certain situations; OTA
- Developed and implemented protocols to collate the common information presented, and OTA developed and implemented protocols to independently separate fact from conjecture.

Key Accomplishment Two

OTA Achievements

- OTA established the structural components of a Tenant Resource Center within OTA office space.
- OTA established a website that includes news, information, and services, with corresponding links. OTA also established Phase One of an internet-based tenant hotline.
- OTA developed a city-wide outreach plan via print and electronic media outlets.
- OTA increased coordination with community housing advocates.
- Successful inauguration of annual tenant summits.
- OTA developed coordination with other District Government entities:



- Office of Latino Affairs;
- Office of Asian and Pacific Affairs;
- Office of African Affairs;
- Office of Human Rights;
- Department of Housing and Community Development; and
- Office of People's Counsel.
- to give tenants the ability to initiate actions in the Landlord/Tenant Branch of Superior Court, and
- to prohibit rent increases for non rent-controlled buildings with housing code violations
- OTA developed and submitted proposed legislation to change the regulations implementing Voluntary Agreements.
- OTA established a community-based working group charged with a comprehensive review of all housing-provider petitions

Challenges Overcome

- Although OTA had the final decisions regarding design details, DCRA controlled construction of OTA office space. DCRA delays in making contractually required payments to the construction firm, even though the funds had been provided in advance by OTA, resulted in numerous construction delays. The construction remains incomplete, and work is sporadic. OTA has functioned at a high level through the development of alternative systems.
- The transition from DCRA's IP infrastructure to OCTO's IP infrastructure was not smooth. OTA has taken the lead role in improving DCRA-OCTO coordination and encouraging DCRA to fulfill its contractual commitments.
- Through OTA's development of inter-agency coordination with the DHCD Conversion and Sales Administration regarding collection of condominium conversion fees, OTA increased the funds available to the Housing Assistance Fund by \$2.8 million.

Challenges Overcome

- The funding for the database development and publication phases of the RHC and OAH decisions and orders project was reallocated for FY-2009; however, OTA collection and review of contemporary decisions and orders has continued unabated .
- DCRA was reluctant to cooperate with OTA in the residential inspection process; however, OTA's demonstrated quality of work and OTA's persistence in appealing for a cooperative process overcame DCRA's reluctance.
- OTA has overcome both the opposition of the housing provider lobby and over-reaching by community activists to develop legislation that preserves tenant rights without harming housing providers.
- OCFO has chosen to co-mingle funds in spite of conflicting fund sources, expenditure requirements, and expenditure authorities. OTA has had partial success in educating OCFO regarding the legal reporting requirements of different funds.

Key Accomplishment Three

OTA Achievements

- OTA implemented an ongoing policy of collecting, reviewing, and recording historical and current decisions and orders of the Rental Housing Commission and Office of Administrative Hearings.
- OTA initiated a cooperative program with DCRA in which OTA staff performs foundational field work in anticipation of DCRA residential inspections.
- OTA legislative efforts resulted in two pieces of draft legislation referred to the Council:

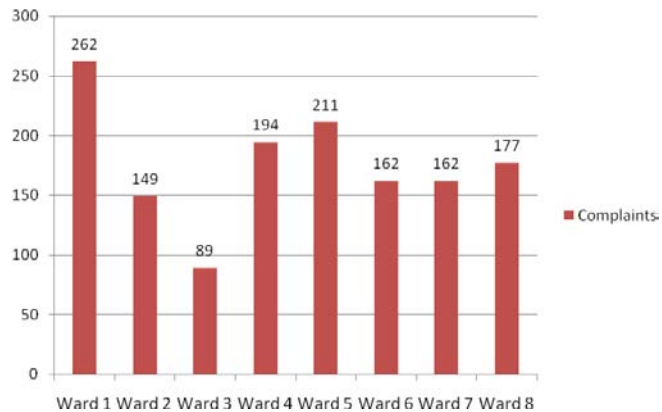
Key 2009 Goals

1. In-house legal representation of tenant petitions. OTA is currently conducting a search for a full-time litigating attorney.
2. Development of a web-based database of Rental Housing Commission and Office of Administrative Hearings rental housing orders and decisions. This database will include two components, a free, searchable collection of abstracts, and a subscription-based repository of complete opinions. Funds from the subscription component will be applied to staff and operational activities.
3. Enhance interagency cooperation. OTA has coordinated with DCRA in the development of a DCRA Administrative Issuance which details a cooperative process for tenant-requested Building-Wide Inspections. Execution of that Administrative Issuance is imminent. The relationships enhanced through the development of the Administrative Issuance will help facilitate further cooperative efforts to enhance the housing code enforcement process. OTA is initiating similar cooperative efforts with DHCD designed to ensure that tenant concerns are incorporated in the evaluation of housing-provider petitions.
4. Build upon the success of the 2008 Tenant Summit. OTA anticipates participation in the 2009 Tenant Summit to exceed the capacity of Gallaudet University facilities to host the event. Preliminary discussions are underway with the Marvin Center at George Washington University.
5. Increase the number of educational seminars. OTA is developing a series of single-issue educational programs. In addition to live presentations, these programs will result in on-line video offerings that tenants may access at their convenience.

FY' 08 Case Management Brief

Tenant Complaints Received

The Office of the Tenant Advocate (OTA) received a total of **1,406** tenant complaints in Fiscal Year '08. 1,271 (90.4%) of these cases have been resolved leaving only 135 (9.6%) pending cases for the Fiscal Year. Ward one reported the greatest number of complaints with 262 (18.6%), while Ward 3 accounted for the fewest number of complaints with 89 (6.3%).



Tenant Issues

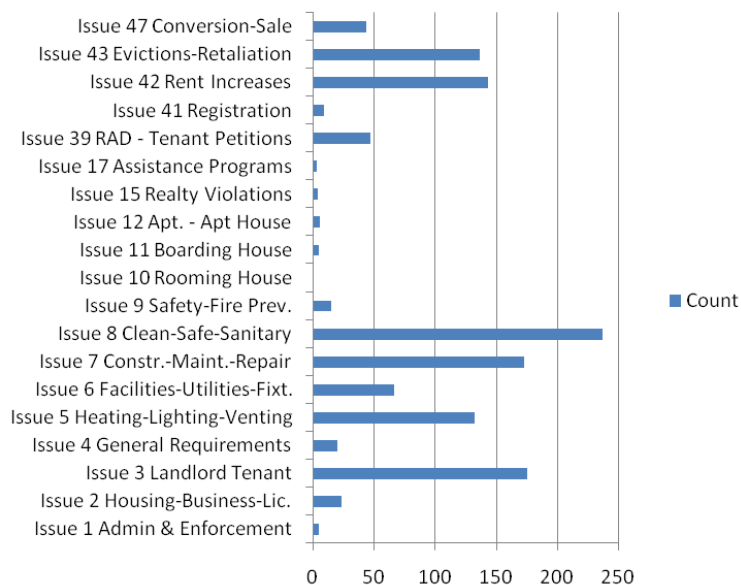
The **top 5** Issues reported in FY '08 were Issue 8, Issue 3, Issue 7, Issue 42 and Issue 43. (Refer to Table – Tenant Issues Across the City)

Issue 8-Clean-Safe-Sanitary, the most prominently reported issue in FY '08 had a count of 237. Issue 8-Clean-Safe-Sanitary includes complaints pertaining to leaking water, mold and mildew, holes in walls, security, rodents (indoor/out) and insect infestation. This issue was the top issue reported in all wards except for wards 2, 4 and 6.

Tenant Issues Across the City

Issue - Description	Count
Issue 1 Admin & Enforcement	5
Issue 2 Housing-Business-Lic.	24
Issue 3 Landlord Tenant	176
Issue 4 General Requirements	20
Issue 5 Heating-Lighting-Venting	133
Issue 6 Facilities-Utilities-Fixt.	67
Issue 7 Constr.-Maint.-Repair	173
Issue 8 Clean-Safe-Sanitary	237
Issue 9 Safety-Fire Prev.	15
Issue 10 Rooming House	1
Issue 11 Boarding House	5
Issue 12 Apt. - Apt House	6
Issue 15 Realty Violations	4
Issue 17 Assistance Programs	3
Issue 39 RAD – Tenant Petitions	47
Issue 41 Registration	9
Issue 42 Rent Increases	144
Issue 43 Evictions-Retaliation	137
Issue 47 Conversion-Sale	44

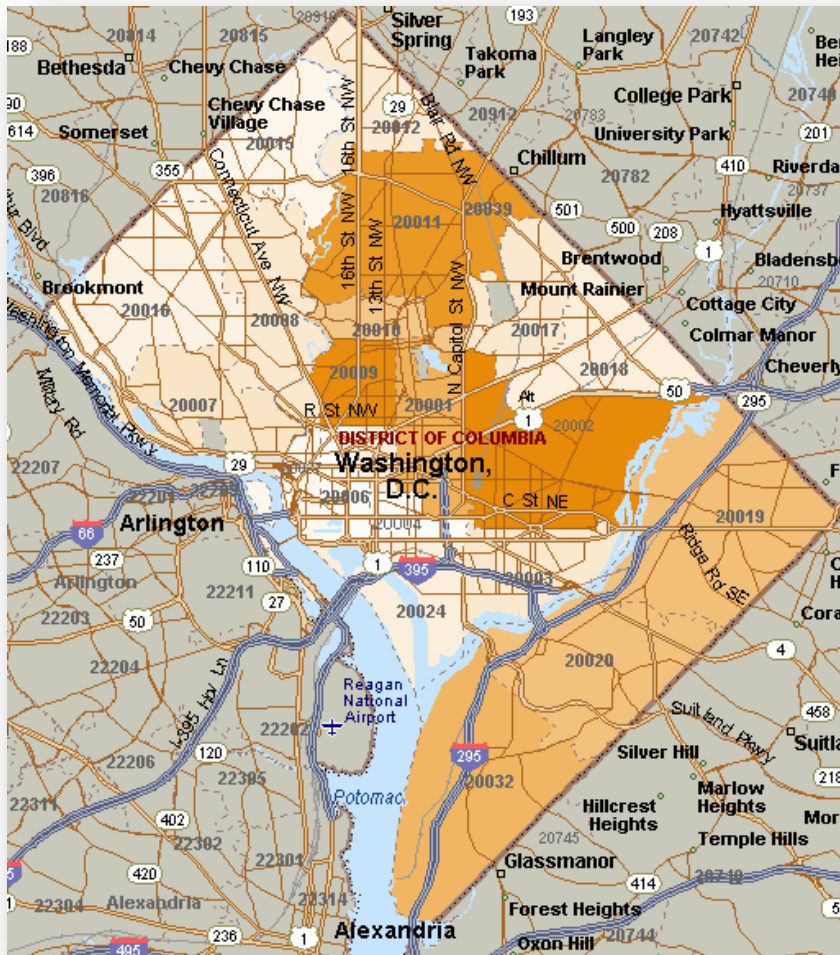
Tenant Issues Across the City



Top 5 Issues by Ward

Ward	Issues
Ward 1	8,3,7,42,5
Ward 2	3,8,7,43,42
Ward 3	8,7,3,42,43
Ward 4	5,43,8,42,7
Ward 5	8,7,42,3,5
Ward 6	3,8,7,43,5
Ward 7	8,7,5,3,42
Ward 8	8,7,42,5,43

*The number of tenant issues may not combine to equal the total amount of complaints due to the fact that some clients had general questions/complaints not reflected in OTA's *Issue Chart*. Applies to multiple issue count as well.

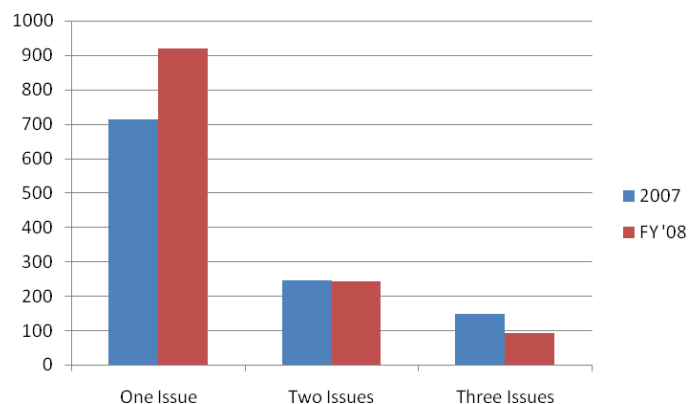


Map shows distribution of the 1,406 complaints across Washington, DC. Darker shades represent more complaints made in that respective area. Lighter shades represent fewer complaints. Data is mapped by zip code.

Case Management

The majority of tenants, 918 or 65%, reported only one issue in FY '08. 243 or 17% reported two issues, while 92 or 7% reported three issues.

Multiple Issues		
	2007	FY '08
One Issue	714	918
Two Issues	244	243
Three Issues	149	92



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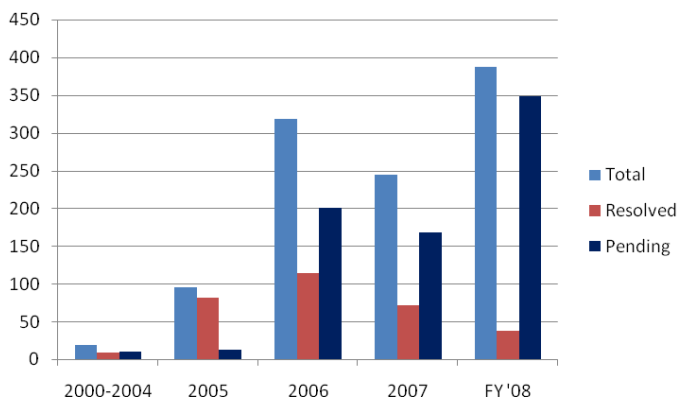


Tenant Petitions

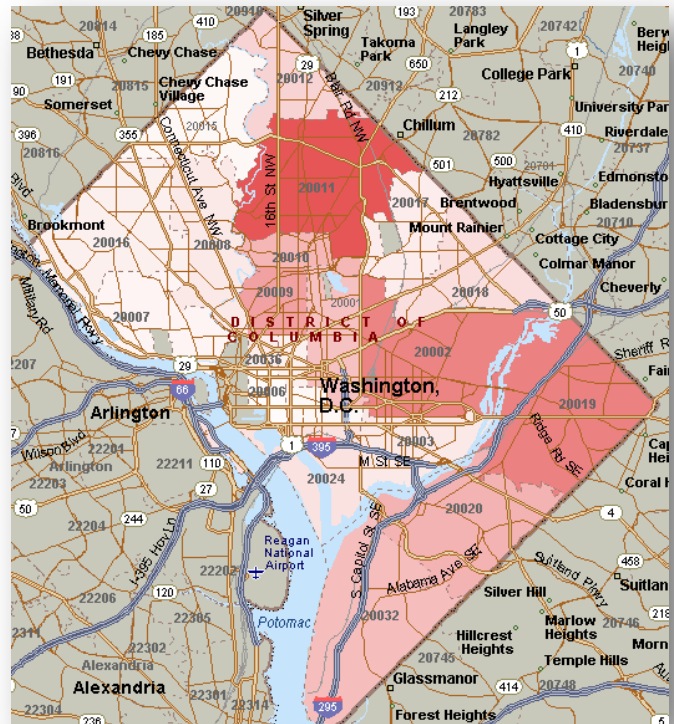
The Office of the Tenant Advocate has 387 Tenant Petitions on file for FY '08. 38 (9.8%) of these cases have been resolved, while 349 (90.2%) remained pending for the Fiscal Year.

Tenant Petition Summary

Tenant Petitions Total	387
Tenant Petitions Resolved	38
Tenant Petitions Pending	349



The above figure shows a general increase in the amount of tenant petitions filed over a 9 year period.



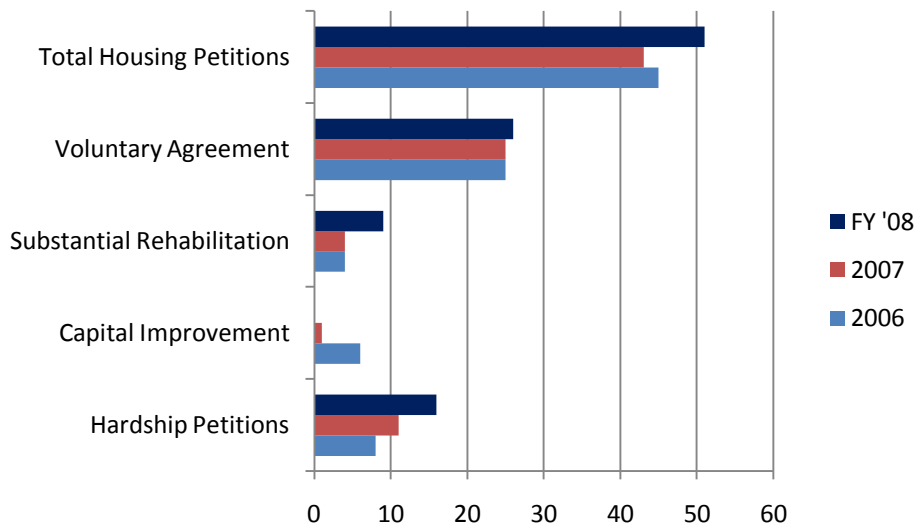
Map shows distribution of the 387 client Tenant Petitions filed across the city. Darker shades represent more tenant petitions filed from in that area.

Housing Provider Petitions

OTA has a total of 51 Housing Provider Petitions on file for the Fiscal Year, consisting of 26 Voluntary Agreements, 16 Hardship Petitions, and 9 Substantial Rehabilitation.

Housing Provider Petition Chart

Hardship Petitions	16
Capital Improvement	0
Substantial Rehabilitation	9
Voluntary Agreement	26
Total Housing Petitions	51



This graph shows a general increase in all Landlord Petitions over a 3 year period. The only decrease came in the amount of Capital Improvements over the period.

OAH Orders

OTA has a total of 86 OAH Orders on file for the Fiscal Year.

Key Performance Indicators

OBJECTIVE 1: Improve and enhance the agency's capacity to provide representation services to tenants involved in disputes with landlords.

INITIATIVE 1.1: Establish internal litigation capacity by hiring three FTEs within a new Legal Services Division.

OTA now addresses legal issues raised by its customers by providing advice as to the relevant law, assisting with the filing of tenant petitions, and referring appropriate cases to contracted legal service providers. The new Legal Services Division will build on this existing case intake and referral system and will enable OTA to provide more tenants who are engaged in landlord/tenant disputes with representation. Attorney FTEs will represent tenants and tenant associations in certain administrative and judicial actions. The Supervisory Attorney, a litigating attorney, and a paralegal will be hired by the end of April 2009.

INITIATIVE 1.2: Develop criteria for the coordination of in-house representation and case referrals.

In consultation with contracted and other legal service providers, OTA will develop criteria for determining which cases are to be referred and which are to be litigated by Legal Services Division attorneys. This will promote administrative efficiency and better litigation services by ensuring that cases are allocated on the basis of organizational capacity, established areas of expertise and under-represented case types. A case referral and coordination process will be developed and implemented by the end of April 2009. Additionally, by September 2009, OTA will conduct a thorough review and analysis of how well the process has worked to date. By the end of

December 2009, OTA will have made any adjustments to the process regarding cases referred and cases kept for in-house litigation, to streamline the process and to provide for a more optimal usage of internal and external resources.

INITIATIVE 1.3: Develop a tracking system for in-house representation and case referrals.

OTA will develop a system to track and quantify cases litigated in-house and litigated through referral to determine how well the criteria in Initiative 1.2 are being met. Data collected in the first year will provide a basis upon which to assess and improve the allocation of cases retained and cases referred in the out years. OTA will develop and implement a tracking system for cases referred and those litigated in-house by the end of March 2009.

OBJECTIVE 2: Create and improve channels of communication between the agency and the tenant community.

INITIATIVE 2.1: Create a searchable database of Rental Housing Commission decisions.

The rental housing case database will include decisions of the Rental Housing Commission dating back to 1985 and will include those of the Office of Administrative Hearings (OAH) dating back to October 2006, the date when OAH began to adjudicate rental housing cases. In the future, OTA plans to include relevant decisions of the D.C. Court of Appeals. The goal of this initiative is to help provide a valuable research tool to inform both pro se tenants and tenant attorneys about how the legal matters at issue in their cases have been decided in the past. OTA has budgeted \$150,000 for this project in FY 2009.

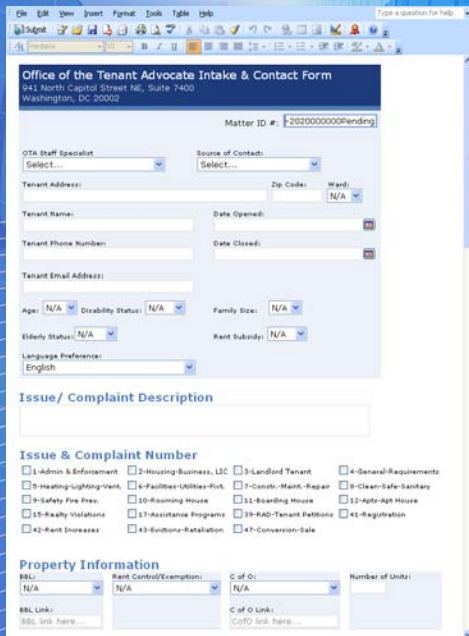


INITIATIVE 2.2: Produce videos instructing tenants how to navigate the tenant petition process.

OTA, in conjunction with the Office of Administrative Hearings (OAH), is preparing to produce a series of short videos instructing tenants how to navigate the hearing process for rental housing cases. The OTA has budgeted \$100,000 for this project in FY 2009. The goal is to educate tenants, especially those proceeding pro se, with cases pending before OAH. OTA plans to begin showing the initial video at OAH, in the Tenant Resource Center, and on OTA web site during the fourth quarter of FY 2009.



Going Paperless



The screenshot shows a web browser window displaying the 'Office of the Tenant Advocate Intake & Contact Form'. The form includes fields for 'Matter ID #', 'OTA Staff Specialist', 'Source of Contact', 'Tenant Address', 'Zip Code', 'Ward', 'Tenant Name', 'Date Opened', 'Date Closed', 'Tenant Phone Number', 'Tenant Email Address', 'Age', 'Disability Status', 'Family Size', 'Elderly Status', 'Language Preference', and 'Issue/ Complaint Description'. Below these fields is a section for 'Issue & Complaint Number' with a grid of checkboxes for various issues like '1-Admin & Enforcement', '2-Housing-Business, LLC', '3-Landlord Tenant', '4-General-Requirements', '5-Heating-Lighting-Vent', '6-Facilities-Utilities-Fault', '7-Courts-Maint.-Repair', '8-Clean-Safe-Sanitary', '9-Safety-Fire Pres.', '10-Rooming House', '11-Bonding House', '12-Apts-Apt House', '13-Really Violations', '14-Assistance Programs', '15-RAD-Tenant Petitions', '16-Registration', '17-Rent Increases', '18-Evictions-Retaliation', and '19-Conversion-Sale'. At the bottom, there is a 'Property Information' section with fields for 'RSL', 'Rent Control/Exemption', 'C of O', 'Number of Units', 'RSL Link', and 'C of O Link'.



The Office of the Tenant Advocate has designed, developed and implemented an **electronic system** for case intake and client data management. This new system comes as part of an OTA initiative to move towards a more efficient form of data collection and management with the use of an electronic database, and away from the old system of paper filing.

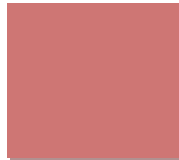
The use of this new electronic complaint intake form allows for an even more **thorough** investigation of individual cases; better collection of client data; **increased reporting capabilities**; greater security; as well as more flexibility in terms of integration with various electronic programs. The new system allows OTA to better track progress in each individual case received, and overall to be more **efficient** in helping clients.

The design of the Electronic Complaint Intake form is similar to past OTA intake forms, only it is electronic and contains more fields for data collection. Many fields are drop down boxes, check boxes or contain simple options. As information is entered into the electronic form, it is stored, and can be queried easily. A report can be created on a database of thousands of individual cases, in just seconds. Data can be exported into excel spreadsheets, which makes the data very flexible in terms of integrating with other programs. A stronger security for client data is also made possible by the new system. Client data are stored on a **safe and secure** network on password protected computers, as oppose to in folders in paper form. In total, the electronic form contains over 70 fields of information per individual case.





Public Private Partnerships



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Legal Service Providers

The Office of the Tenant Advocate makes client referrals to 8 different legal service providers.

Below are excerpts from partnering legal service provider reports that sum up their respective services to city tenants. For a full report on the respective legal service provider partnerships with the Office of the Tenant Advocate, please visit our website at www.ota.dc.gov.

DC Law Student Court Program

Mission and purpose: Formed 40 years ago, partly as a response to the D.C. riots in 1968, the D.C. Law Students In Court Program (DCLSIC) is a consortium program established by five area law schools (American, Catholic, Georgetown, George Washington and Howard universities). Its founding mission was to address the critical unmet needs of thousands of low-income D.C. residents without legal counsel in the Landlord-Tenant and Small Claims Courts in D.C., and to provide practical, hands-on, courtroom experience for students. In 1980 DCLSIC became an independent 501(c)(3) nonprofit corporation. Our mission continues to be: 1) to provide free, high-quality legal assistance to low-income Washington, D.C. residents who are unable to afford a lawyer, 2) to train third-year law students in lawyering and courtroom advocacy skills and imbue in them a commitment to pro bono service, 3) to help the courts by providing assistance and representation to indigent persons, 4) to assist the legal profession by participating in educational and mentoring programs for volunteer lawyers in the areas of housing, consumer and criminal law, and by referring clients to appropriate legal counsel.

Summary of our Services and Relationship of LSIC to OTA: One of our primary goals in representing tenants in the District of Columbia is to prevent homelessness. We do so by providing free, high-quality legal advice and representation to tenants who face eviction, unsafe housing conditions or illegal rent increases and need help defending their rights in Landlord-Tenant Court or before the Office of Administrative Hearings or the Rental Housing Commission. We recognize that tenants in DC are often ill informed about their rights and the remedies available to them under the Rental Housing Act of 1985 (as amended) and under the Rental Housing Conversion and Sale Act (as amended). Additionally, tenants are often

unable to afford legal representation necessary to assert their rights. Unaware of their rights and unable to afford counsel, many tenants appear before administrative agencies and in Landlord-Tenant Court on their own, often to their detriment.

Legal Aid Society of the District of

Columbia

The Legal Aid Society was formed in 1932 to "provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs," and continues to pursue new strategies for achieving equal and meaningful access to justice for all. Over the past 75 years, Legal Aid staff and volunteers have served tens of thousands of the District's most vulnerable residents, providing representation and other assistance in cases and matters involving domestic violence, family law, public benefits, foreclosure and eviction prevention, and preservation of affordable housing. We assist persons with incomes of up to 200% of poverty.

Keeping People Housed: Hundreds of tenants each year avoid eviction or have serious housing conditions corrected as a result of Legal Aid's work. Our housing lawyers defend against improper evictions in court, assist public housing tenants to preserve subsidies, fight illegal rent increases and work to ensure that tenants are not improperly displaced by development.

Klein Hornig

Our mission is to provide economical, but uncompromising service and unparalleled legal expertise to the affordable housing community. The firm focuses on structuring, managing and closing all types of multilayered affordable housing transactions, particularly HOPE VI/mixed-finance and tax credit transactions. Klein Hornig also offers expertise in the related fields of housing preservation, public housing, partnership and business associations, condominiums and cooperatives, nonprofit organizations, real estate law and conveyancing, construction law, zoning and land use law, legislative services, administrative enforcement, fair housing and dispute resolution.

With respect to tenant issues in the District of Columbia, our primary expertise is in assisting tenant associations exercise their rights under the Rental Housing Conversion and Sale Act of 1980, and in particular responding to an

offer of sale or an effort to convert to condominiums. We also have expertise in the related fields of rent stabilization, eviction control, and housing code compliance. While we represent tenants and tenants associations in tenant petition proceedings before the Office of Administrative Hearings, we typically do so only if the petition is related to an effort to purchase the property. We do not practice in landlord-tenant court.

Legal Counsel for the Elderly

The Alternatives to Landlord/Tenant Court for the Elderly Project (Alternatives Project) prevents evictions among District of Columbia tenants who are sixty or older, many of whom have disabilities and live at or below the poverty line, by coordinating necessary support services. The Licensed Clinical Social Worker of the Project provides critical crisis intervention, in-home assessments, clinical counseling, and ongoing case management to elderly tenants at risk of eviction. The Elder Buddies coordinator harnesses volunteer resources to help elders de-clutter their apartments. Drawing upon the District's expansive senior social service network and volunteer resources, the social worker addresses the underlying problems of hoarding, substance abuse, declining physical/mental capacity and financial mismanagement and abuse which threaten an elder's tenancy and often lead to premature long-term care placement.

Preventing eviction, displacement and homelessness among the city's low-income elder tenants is the primary objective of the Project. In 2008 the Project continued to focus on addressing the tenant's underlying problems that prompt the housing provider's complaint against them: non-payment of rent; hoarding and housekeeping issues; and mental health issues (i.e. dementia, alcoholism, substance abuse, behavioral issues). Interventions may require the services of multiple providers and vary in duration and intensity. We partnered with Catholic University Schools of Law and Social work and other legal and social service providers to create a Hoarding Advisory Board and co-sponsor a hoarding conference.

Blumenthal & Cordone

A significant amount of our practice is devoted to landlord and tenant matters including dockets in D.C. Superior

Court and the D.C. Office of Administrative Hearings ("OAH") where we represent tenants and landlords, tenant associations and banking interests in residential and commercial cases. We also represent clients in a number of cases involving real estate title matters, including Tenant Opportunity to Purchase ("TOPA") cases, predatory lending, foreclosures, tax sale defense, sales contracts, condemnations and licensing and other regulatory matters.

Carol S. Blumenthal serves as a mentor in landlord-tenant matters for the D.C. Bar pro bono program in which attorneys from large firms volunteer their time to represent tenants. She serves as an arbitrator for the D.C. Bar program for alternative resolution of fee disputes. She is the author of the Landlord-Tenant section of Real Estate Practice in the District of Columbia, Maryland and Virginia originally published by the Bar Association of the District of Columbia.

Partnering Legal Service Providers

DC Law Student Court Program
Legal Aid Society of the District of Columbia
Bread for the City
Klein Hornig
Steve Raikin
Legal Counsel for the Elderly
Blumenthal & Cordone



Spotlight

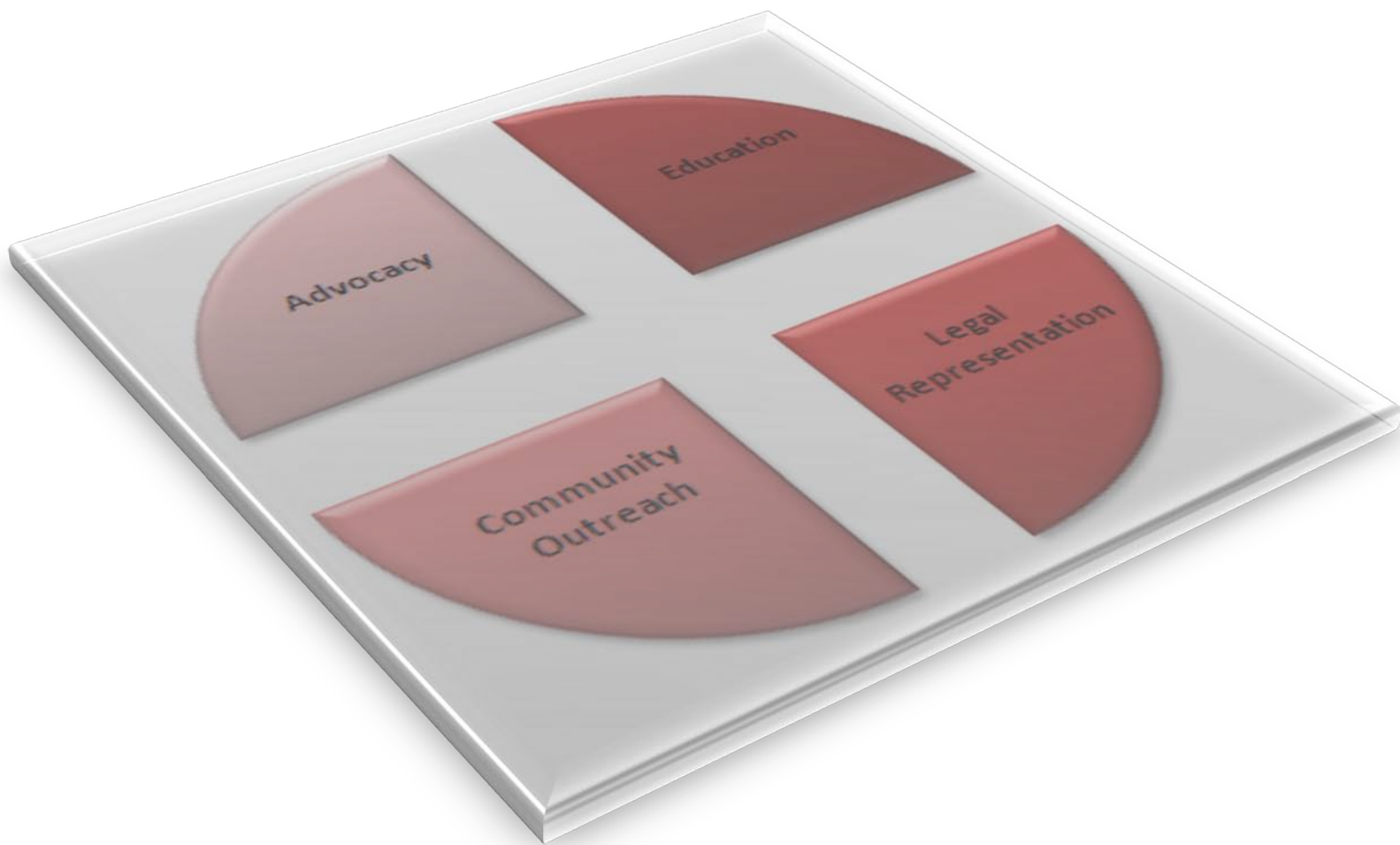
The Office of the Tenant Advocate is a proud participant of the Department of Employment Services' DC Summer Youth Employment Program (SYEP). In the summer of 2008, using the SYEP, OTA hired William Smith as a part time intern. Over time, his demonstration of professionalism, a strong work ethic and a great willingness to learn earned him a full time position with OTA.

During his tenure, William has learned strategies in data management; computer programs such as Microsoft Word, Excel and Outlook; and most importantly, office professionalism.

William, who continues to do outstanding work for OTA, is now a senior in the Ballou High School Stay Program, and is in the process of applying to college. He hopes to attend Howard University and to major in Business Management with a minor in Sports and Fitness Administration.

"OTA has helped me in so many ways. I've learned many new computer programs and how to apply them to my daily work. Most of all, I've learned responsibility and I feel better prepared for the world." (William Smith)





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