

The BEAT by the OFFICE OF THE TENANT ADVOCATE

2020-2021 Annual Report

OTA.dc.gov

Overcoming the Odds—Outreach During a Pandemic

Despite the inherent challenges presented by the COVID-19 pandemic to the Education & Community Outreach Branch's (E&O) core mission of fostering community engagement, the Office of the Tenant Advocate (OTA) enhanced its presence throughout the District to reach the greater DC tenant community. E&O expanded on existing frameworks to engage tenants on- and off-line through unique and cost-effective methods. Recognizing the possibility that the pandemic could continue longer than expected, E&O immediately transitioned to virtual settings, began to publish online tutorial videos, sought out community partners to serve as “force multipliers,” and explored unique avenues to get OTA's message directly to District of Columbia tenants.



Strategically placed signs at COVID-19 testing sites in DC.

LOW-COST, HIGH-VISIBILITY METHODS OF CONNECTING WITH TENANTS

As the Public Health Emergency (PHE) continued to drag along, E&O's first challenge was simply reaching the District's tenant community. Simultaneously, the DC Council was exploring how to amend existing laws to ease the increasing financial burden on so many tenants. Among the important legislation approved by the Council was the prohibition of rent increases and evictions during the PHE. OTA's message had to be informative, direct, reassuring, and cost-efficient.

Continued on page 2



OTA attended in-person events to meet tenants face-to-face.

Finding a New Normal

Two years ago, in the early months of 2020, the nation heard of the announcement of a strange “New Normal,” one that would drastically change the way we go about handling almost everything in our lives, even the way we greet our families and coworkers. Soon thereafter, every aspect of our lives was tossed into a state of change, and with that state of change, everyone was indeed forced into the New Normal.

When I look back on these epic times, I think about the suddenness of what has happened. After we were first told that it was safe to move around, I made a brief return to the office. As I strolled up and down the corridors and peeked into each office, I truly understood how much of an impact the pandemic had on all of us at the Office of the Tenant Advocate (OTA). Books and binders lay open on busy desktops, packages were strewn about unopened, and plants drooped, giving one the feeling that we had all disappeared into thin air at the drop of a hat.

In the months before the word COVID entered our everyday vocabulary, I had been a party to conversations regarding whether to incorporate telework into OTA's day-to-day operations. Now telework has become a part of the New Normal. I was no longer able to greet each employee to ask about family and friends; I could no longer give someone who had done an outstanding job a high-five or hug. No, from that day up to today, OTA operations have been conducted long-distance—that is, virtually. Nor was that term “virtually” a part of our everyday vocabulary, but now it is another accepted norm. It

took time to get used to using new-fangled modes of communication (like Webex, Zoom, and Teams). As much as the mind and body may resist the notion, for much of the past couple of years, it seemed “virtually” was the only way it was possible to talk to someone.

But as time has meandered on, I have learned that this new mode of working—teleworking—has added benefits to both our workforce and OTA's customers, and it has helped us to make significant leaps in defining how we work. To my



Johanna Shreve, Chief Tenant Advocate for the District of Columbia

ultimate surprise, I discovered that my earlier apprehensions regarding telework were truly unfounded because despite the overwhelming nature of the daily workload, the staff was handling everything that came its way, not missing a beat.

Yes, we had stared down this New Normal and had found a new rhythm in handling the day in and day out business of serving the District's tenant community. We had found new methods and means to ensure that every call made to the Agency was still being answered within a 24-hour period, despite having to handle exponentially more

calls. We may not be the military, but we are soldiers in our “public service” mission. We are committed to ensuring that our statutory mandates are completed without a “hitch in our git-along.”

Whether we are responding to a client's legal concerns or hotline questions, educating tenants and tenant associations about their rights, pursuing our policy goals, or connecting displaced residents to emergency housing, we have remained consistent, dedicated, and committed to serving renters throughout the District of Columbia.

We have expanded and strengthened our interagency relationships with those responsible for ensuring that deserving tenants receive emergency financial assistance, and we have maintained an excellent repository of data that assists those who call upon us. We are clear in what our role is, and we are focused on ensuring that our role complements, rather than impedes, the role of our valued partners. In so doing, we maintain our commitment to be the best that we can be in all instances!

This year's Annual Report is a compilation of our efforts over the past two fiscal years, 2020-2021. As you read through this document, I hope you will be as amazed as I have been at the results the OTA team has achieved while continuing to perform its duties seamlessly.

I wish to thank all the dedicated men and women who work with me for their tireless efforts, regardless of the demands placed upon them.

I love them all. I close with this thought: “*What do we live for, if not to make life less difficult for each other?*” – George Eliot



OTA's Branches Work Together to Support DC Tenants

As the saying goes, teamwork makes the dream work!

OTA's commitment to excellence encouraged staff to work across agency Branches to help tenants through these challenging times. By supplying the Policy Branch with frontline reports of tenants' COVID-19-related concerns, the Legal Branch enabled OTA to make informed policy recommendations to the Council of the District of Columbia.

The Legal Branch also provided technical assistance to the Policy Branch as they prepared comments for the Rental Housing Commission's revisions to Title 14 of the DC Municipal Regulations. In return, the Policy Branch kept the Attorney Advisors and Case Management Specialists in the Legal Branch current on the latest of the multitudinous legislative changes and Mayoral Orders, ensuring that OTA was continually providing tenants with clear, current, and correct information about their rights.

Similarly, the Education and Outreach Branch worked with the Legal Branch and the Policy Branch to create new educational content to address tenants' most common questions and most pressing needs. The Education and Outreach Branch also kept the Legal Branch informed of the latest information relating to rental assistance provided by the STAY DC program, the Emergency Rental Assistance Program, and other governmental programs. The success of these collaborations led to stronger tenant laws and regulations, and better empowered tenants.



OTA distributed more than 7,500 flyers at food distribution locations.

Conozca sus derechos de vivienda

¿Tiene miedo a que puede pasar cuando se declare el fin de la emergencia de salud pública? ¿Quiere saber más sobre los recursos para inquilinos en DC?

Acompáñenos para una charla virtual con la Oficina del Defensor del Inquilino (OTA). Se va a hablar sobre los derechos de inquilino, lo que va a pasar cuando se declare el fin de la emergencia de salud pública y los recursos disponibles en el Distrito.

sábado, 24 de abril
10 AM
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También puede marcar (301) 715 8592 y la clave 820 9674 3447

GOVERNMENT OF THE DISTRICT OF COLUMBIA
MURIEL BOWSER, MAYOR

UNIDOS US

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禁止
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驱逐租户

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禁止
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有关租户权利的更多信息, 请联系
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OTA partnered with other COVID-19 testing sites.

INFORMATIONAL SIGNS

“From existing infrastructure to OTA force multiplier”

DC Department of Health (DOH) COVID-19 testing sites began appearing throughout the city. OTA’s E&O team reached out to DOH about partnering with OTA. By capitalizing on existing DOH infrastructure, we minimized costs and reached tenants directly. After visiting all the mass-testing sites, three locations were selected for OTA’s use. By April 2021, we had strategically placed OTA informational stand-alone signs at three of the most visited mass-testing sites in the District of Columbia [Judiciary Square, MLK Ave, UDC].

Due to the dynamic nature of the pandemic, the Council amended tenant-related District laws on several occasions, modifying dates and/or other requirements. E&O found creative, adaptive, and low-cost methods to provide tenants accurate and up-to-date information as legislation evolved. In one instance, the solution was to print bumper stickers with the word MOST placed on our original signs to accurately inform the public about the public safety and willful/wanton exception to the eviction moratorium. As DOH mass-vaccination sites began to appear, OTA transitioned our messaging on several of the informational signs to these locations for the duration of their use as vaccination centers.

Once the mass-testing and vaccination locations were repurposed, we transitioned to new locations by partnering with the Department of Parks and Recreation and DC Public Libraries. Currently, OTA informational signs can be found at certain recreation centers and public libraries.



FLYER DISTRIBUTION

“People helping people: Getting our message to those most in need”

The COVID-19 pandemic exacerbated difficult monthly financial decisions related to the cost of housing faced by individuals and

households in DC. One such monthly decision is deciding whether to pay rent or buy food.

Cognizant of this difficult choice, E&O partnered with community-based food distribution organizations during the PHE to disseminate over 7,500 OTA informational flyers to individuals and households experiencing housing and food insecurity. The message on OTA’s informational flyers was succinct and clear: no rent increases or evictions were permitted during the PHE. The flyers also provided contact information for tenant resources, including legal and social services, and encouraged tenants in need to apply for rental assistance.

“Partnerships with organizations like DC Central Kitchen, Capital Area Food Bank, and Feed the Fridge were vital to ensure we reached tenants who were the most in need.”

Partnerships with organizations like DC Central Kitchen, Capital Area Food Bank, and Feed the Fridge were vital to ensure we reached tenants who were the most in need. The flyers were drafted and printed in English, Spanish, Amharic, and Mandarin. In addition, we canvassed local businesses, churches, and community centers in Wards 1, 4, 5, 7, and 8 and distributed flyers in the community.

SOCIAL MEDIA

In FY 2021, E&O also expanded its social media presence by nearly 10-fold, growing the number of followers on Facebook, Twitter, and YouTube as more sharable content was produced. Through the use of social media engagement, E&O was able to broadcast events, classes, and presentations; crowd-source for recommendations; and respond to inquiries for help. For those tenants who use social media, OTA’s presence is obvious and valuable.

BUS ADVERTISEMENTS

OTA also purchased advertisements that ran throughout the District on Washington Metropolitan Area Transit Authority buses. To be most effective, OTA’s advertisement had to be (much like the flyers and stand-alone signs) informative and straight-forward. Again, E&O



Transit ads were visible across the District.

asked OTA’s policy and legal branches to assist by identifying the most common questions they received during the PHE. The resulting three advertisement designs were unique and stated the following: (1) I’m worried about being evicted; (2) My landlord won’t make the necessary repairs; and the catch-all (3) Can my landlord do that? Rather than using very graphically involved advertisements, we kept it simple with three distinct, easily relatable emoji faces alongside their corresponding questions.

VIRTUAL EVENTS

The utility of virtual events and presentations became immediately clear during the pandemic and E&O capitalized on them to reach a wider audience. During FY 2021, E&O gave 88 virtual presentations to tenants and tenant associations on issues ranging from pandemic-related legislative changes and housing code violations to our monthly renters’ rights class.

In addition, E&O presented at 15 different Advisory Neighborhood Commission (ANC) meetings across all 8 wards to speak with Commissioners about OTA, thus enlisting them as credible messengers helping disseminate OTA’s mandate and services.

TENANT ASSOCIATIONS

As the PHE ended and the end of the tolling of the Tenant Opportunity to Purchase Act (TOPA) notices neared, we saw an increase in tenant inquiries about TOPA and tenant associations. As a result, E&O updated our list of active tenant associations and began assisting groups of tenants to form tenant associations to exercise pending TOPA rights and to address issues with management.

Since the end of the tolling of TOPA notices, E&O has assisted tenants in 16 buildings begin the process of forming a tenant association by providing training, technical guidance, and follow-up services. E&O has participated in



31 tenant association-related presentations and events, both in-person and virtually, aimed at helping tenants organize effectively and efficiently. In addition, we are expanding our catalogue of tenant association-related classes to include the following: (1) Tenant associations, where to begin; (2) Tenant associations, a framework for sustainability; (3) Tenant associations’ best practices; and (4) TOPA 5+ unit housing accommodation.



TUTORIAL VIDEOS

Rapidly evolving laws and changing legal landscapes necessitated quick answers to common tenant inquiries, especially as OTA’s legal branch faced an increase in the number of daily intakes. In response, E&O created tutorial videos aimed at achieving two goals, (1) to provide tenants with accurate on-demand answers to their most-asked questions, and (2) to assist the legal branch by providing educational materials and resources for them to direct clients to review as appropriate.

E&O identified the topics of interest and researched and drafted the text of each tutorial. In collaboration with OTA’s legal and policy branches, the tutorials were reviewed for legal accuracy and factual sufficiency. Once the “scripts” were approved by all OTA components, the graphics were included. Although the viewer only sees the final product, these tutorials require a team effort involving OTA legislative counsels, attorney-advisors, and program analysts. Altogether, the videos have been viewed almost 1,000 times on YouTube as we continue to promote their use.

Continued page 4

Like the Energizer Bunny – We Keep Going!!
Making Sure Fire/Closure Victims Were Taken Care of During the Pandemic

The Office of the Tenant Advocate has a temporary emergency housing assistance staff that works around the clock to ensure that the tenants of the District of Columbia who find themselves displaced by fire or government closure have a safe, comfortable place to stay to allow them to focus on locating housing alternatives when needed. Working with the American Red Cross, Homeland Security and Emergency Management, Department of Consumer and Regulatory Affairs, and a host of other District agencies, the emergency housing division was able to assist 390 families in fiscal year 2020

and 303 families in fiscal year 2021. There were challenges over the past 2 years that we had not seen before including, but not limited to, the temporary closing of some hotels and understaffing at others, leading to the hotels not using all their unoccupied rooms. Even with the challenges, the agency hasn’t skipped a beat. We have managed to stay afloat and meet the needs of our tenants and plan to keep going strong. “Thanks for everything, Tamela. We know we can always count on you.” – Eustace Senhouse Homeland Security and Emergency Management Agency.



DC Fire and EMS responded to the 2100 Block of 15th Street SE. Fifteen adults and a turtle were displaced.

OTA Assists Record Number of DC Tenants During the Pandemic

What Were Tenants Asking?

The graphs below show the five most common issues encountered in these past two fiscal years. However, these graphs do not capture the full picture of most frequently asked questions. After March 2020, almost all the questions asked by tenants were related to COVID-19 in one way or another. For example, the eviction moratorium precipitated questions regarding evictions, notices to vacate, and tenant-versus-tenant complaints (such as noise created by a neighbor).

Likewise, questions about rent increases and late fees required staff to explain the rent increase freeze and the late fee prohibition. The tolling of the Tenant Opportunity to Purchase Act (“TOPA”) tenant deadlines also led to many TOPA questions even though TOPA transactions could not be completed without tenant consent until after the PHE ended. COVID-19 also increased the number of tenants concerned about any changes to the law regarding housing providers and maintenance workers entering units, which relates to issues like housing provider entry, repairs for housing code violations, and showing units for re-renting or sale. (There were no changes.) Tenants needing to work from home and quarantining or isolating at home led to more questions about amenity fees for unavailable amenities, reductions in services and facilities, and construction noise. Even with lease issues, one of our most common topics—COVID-19—came up in a number of contexts, e.g., (1) when universities initially shifted

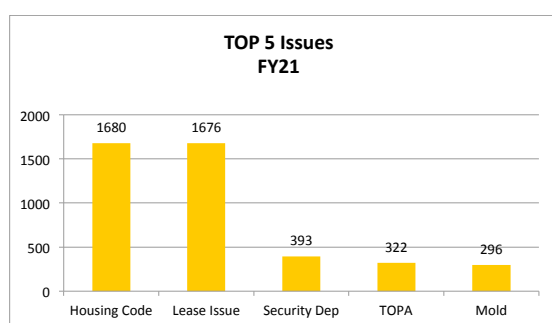
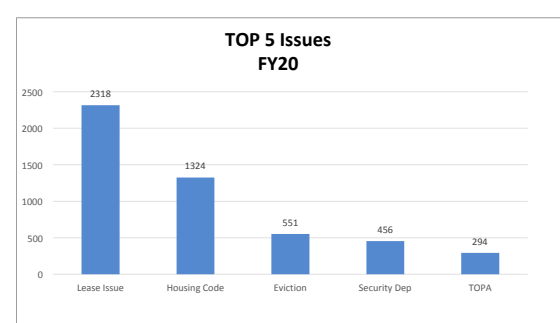
to remote learning, many students wanted to break their lease under a frustration-of-purpose defense, (2) renters who lost their jobs wanted to break their lease to return to their home states, and (3) at the end of facial lease terms, tenants were frequently limited to continuing tenancies on a month-to-month basis because landlords were reluctant to sign a year-long lease renewal during the rent-increase freeze.

In FY 2020, the most common issues reported by tenants were (1) lease issues; (2) housing code violations; (3) evictions; (4) security deposits; and (5) TOPA. Lease issues include questions about the legal meaning of lease terms, utility payment responsibilities, and basic tenant rights. Common housing code violations include bed bugs, rodents, pests, water damage, and malfunctioning appliances. (The OTA initially included mold questions in the housing code violations category, but subsequently added mold as a separate category due to an uptick in specific mold questions.) Evictions can come up in several contexts, e.g., tenant fears of eviction due to non-payment of rent, verbal threats of self-help eviction, actual wrongful eviction, receipt of a written notice to vacate, or court proceedings. Questions on security deposits are usually about disputes over the housing provider withholding the security deposit, or the housing provider’s failure to return the security deposit by the regulatory deadlines. However, there were several other common security deposit issues.

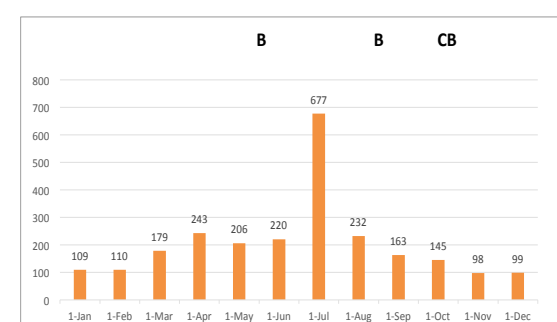
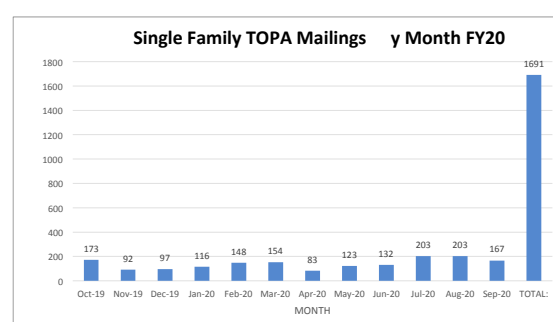
OTA frequently was asked about “rolling” security deposits, i.e., paying the previous tenant back their security deposit and assuming prospective responsibility, the effect of roommate swaps, and the rules governing interest accrual on security deposits. TOPA also was a hot topic after the passage of PHE legislation, with its tolling of tenant timelines. For tenants in buildings with five or more units, some tenant associations were at the beginning of the TOPA process and wondering how they could organize effectively while staying safe, some were in the middle of negotiations and grateful for more time, and others were at the end of the process and wanted to be able to complete it. In single-family homes and 2- to 4-unit buildings, tenants were afraid of the economic pressures of COVID-19 and that a “hot” housing market would force their housing provider to sell; they wanted to understand the TOPA process better and the risks of possible displacement.

In FY 2021, the most common issues reported by tenants were: (1) housing code violations; (2) lease issues; (3) security deposits; (4) TOPA, and; (5) mold. Anecdotally, OTA staff also reported a high number of rent increase questions, questions about eviction cases that had been stayed during the PHE and subsequently restarted after the eviction moratorium ended, questions about notices to vacate for violation of a lease obligation and/or danger to persons or property, and many questions about various rental assistance programs.

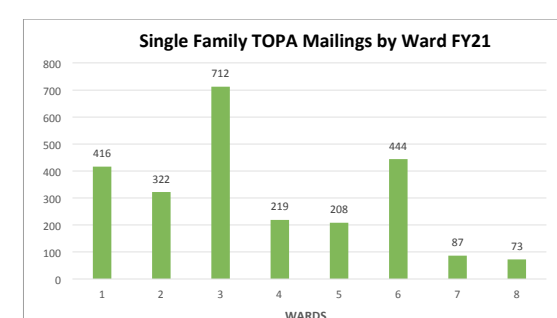
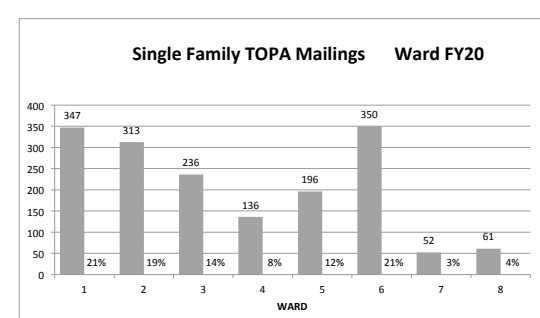
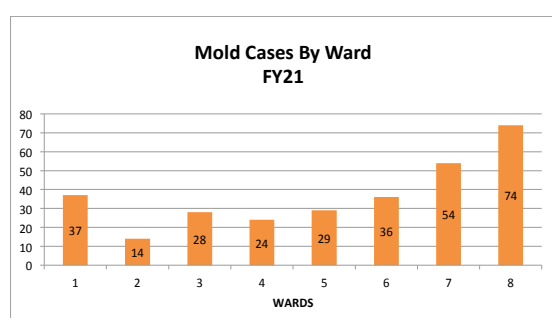
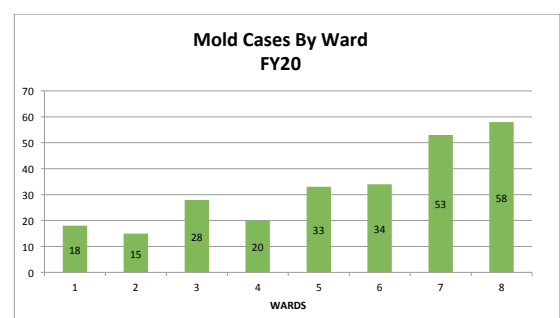
OTA received a total of 5,407 new intakes in FY 2021 through the brief services section of its legal branch. These figures do not include additional intakes received electronically through the ATD (“Ask the Director”) portal of OTA’s website. The two primary issues in FY 20 and FY 21 were housing code matters and lease issues, with 1,680 and 1,676 new intakes, respectively (see below). We also received 393 security deposit matters, 322 TOPA questions, and 296 mold complaints to round out the top 5 issues of FY 21.



The charts below detail the number of single-family TOPA filings by month and ward in FY 20 and FY 21.



The following charts lay out the distribution of mold complaints throughout the different wards in FY 20 and FY 21.



OTA Shines a Spotlight on Favorable Court Decisions

On a weekly basis, the DC Court of Appeals circulates a compendium of its unpublished Memoranda Opinions and Judgments (“MOJs”). These unpublished opinions do not have precedential value and, with very few exceptions, cannot be cited in briefs or motions in any DC court, even though they may provide important guidance as to how the courts view an issue. However, an unpublished opinion can be converted into a citable opinion if someone files a motion within 30 days after issuance of the opinion, persuading the court that the decision needs to be fully citable because it creates new law, decides an important issue, or interprets a statute or concept that has yet to be reviewed.

Attorney Advisor Harrison Magy reviews the weekly compendium for OTA. When he identifies a case that could be significant for the tenant community, he alerts the General Counsel, the Legislative Director, and the Chief Tenant Advocate. Upon their approval,

he files a motion on behalf of OTA explaining why publication is merited and requesting that the unpublished opinion be published.

In FY 2021, Mr. Magy successfully moved for publication of the case *Pourbabai v. Bednarek*, 250 A.3d 1090 (DC May 13, 2021). With that case published, there is now binding precedent for awarding treble damages in a security deposit dispute where the housing provider attempts to substantiate withholding a security deposit using forged documentation.

Currently, OTA has a motion pending before the Court on the publication of the case *Sizer v. Lopez-Velasquez*, No. 19-CV-565, Mem. Op. & J. (DC Dec. 20, 2021). If published, that case will be the first precedential DC Court of Appeals decision addressing a housing provider’s duty to mitigate a tenant’s damages after the early termination of a lease since the enactment of legislation in 2017 clarifying that a housing provider does have a duty to mitigate.

The Legal Branch Helps Tenants Navigate Changing Court Procedures: E-filing, Remote Hearings, and More

All DC Courts—administrative and judicial—responded to the pandemic by shifting away from in-person filings and appearances, instead relying on email, electronic filing, and phone and video conferencing to keep the wheels of justice turning. OTA’s Legal Branch was at the forefront of this change as attorney advisors continued to represent tenants through remote court appearances and mediations. The attorney advisors also taught self-represented tenants how to file emergency motions to stop eviction, how to submit tenant petitions, and how to lodge TOPA complaints by email. The attorney advisors also talked tenants through how to file complaints electronically (“e-filing”) with the DC Superior Court Small Claims Branch and the DC Superior Court Housing Conditions Calendar. In addition, legal branch staff also answered tenant questions about how to use Webex (as used by the court) to appear by video or by phone for court hearings.

OTA notes that remote hearings have been a boon for accessibility for tenants with a disability, tenants with work obligations, and tenants with childcare issues. Although e-filing and filing by email can be more difficult for elderly tenants and tenants with limited internet access, tenants by and large appreciated the ability to email motions for an emergency stay of eviction proceedings. (Even tenants without the foregoing challenges found the changes to be substantially more convenient than prior to COVID-19 when an in-person appearance was ordinarily required.)

Can my landlord do that?
What should I do?



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Strengthening Tenant Protections During the Pandemic and Beyond

One of the agency’s core missions is to serve as a voice for the tenant community in each branch of District government. The District’s system of tenant protections is strong compared to most other jurisdictions, yet gaps in the tenant protection laws — or in how they are implemented or interpreted — continually arise. The policy branch works closely with government and community partners to identify and fill these gaps. It engages in wide-ranging policy and litigation consultations, develops Council testimony, comments on proposed regulations, files *amicus curiae* briefs with the courts, and provides stakeholders with policy forums and information.

LEGISLATION

Pandemic-related tenant protections

The COVID-19 pandemic affected District renters in myriad ways. Many renters were directly threatened with eviction due to a job loss or reduced income, while others feared that the next rent increase would put them in the same precarious position. Still, others couldn’t exercise their TOPA rights due to the need to “socially distance” and the risk of infection associated with in-person organizing. The OTA heard these and a host of other COVID- related tenant concerns in the earliest days of the pandemic—and it responded to these concerns by sending a package of tenant protections to the Mayor and to the Council to include in the District’s pandemic-response legislation.

While not all the OTA’s proposals were enacted, many were,¹ including:

- A freeze on evictions, on landlord filings of eviction actions in court, and notices to vacate.
- A freeze on rent increases.
- A pause on tenant notices of intent to vacate so that tenants could change plans and stay in place for the duration of the health crisis.
- Pauses on deadlines for tenants to exercise their rights under TOPA and the Rental Housing Act.



Educating multicultural communities with critical information.

The OTA then testified at several Council roundtables regarding the need for these and other pandemic-related tenant protections.²

Eviction Protections; Eviction Record Sealing; Tenant Screening.

The OTA also urged the Council to enact longer-term eviction protections—including prohibiting tenant evictions where the landlord lacks a basic business license or, in nonpayment cases, where the tenant owes less than \$600. And the OTA joined the fight against tenants being unfairly denied access to rental housing due to a single eviction action on their court record, regardless of the outcome of the case. As a result, the Council enacted emergency and temporary “Fairness in Renting” legislation,³ that included not only the eviction protections but also eviction record sealing and tenant screening protections. Permanent legislation is now pending at the Council.⁴

Rent Control

The affordability of rent control units and the program’s viability continued to be a top OTA priority. Accordingly, the Branch closely consulted with the Council to enact moratoria on Voluntary Agreements (VAs) and Certificates of Assurance (COAs)—two provisions of the law that are at odds with the

purpose of rent stabilization. The VA gives landlords a largely unregulated vehicle to increase rents to exorbitant rates, effectively reducing the district’s stock of rent control housing. For example, using the VA, a landlord can get the required 70 percent of tenants in the building to agree to increase the rents for all units by promising not to impose the increases on current tenants. But too often, these same tenants later suffer second-class citizenship, as the landlord tends to the needs of more recent tenants who pay higher rent. In addition, under a COA, exempt unit owners are entitled to huge tax subsidies if the building ever becomes subject to rent control. This cripples the Council’s ability to expand rent control to deal with the district’s ongoing affordable housing crisis and further protect moderate and lower-income renters. The Chief Tenant Advocate is pleased that the Council enacted temporary moratoria on both VAs⁵ and on COAs,⁶ and will continue to urge the Council to repeal these provisions permanently.

The OTA also advocated⁷ for reducing the standard annual rent increase to reflect increases more fairly in landlords’ actual average costs; expanding the rent control housing stock by shortening the new construction exemption; tightening requirements for housing provider petitions; eliminating the excessive 20% vacancy rent increase; and requiring landlords to maintain replacement reserve accounts for

significant building needs before resorting to a housing provider petition.

REGULATIONS

Rental Housing Commission’s “RHC” Revised Rental Housing Act Regulations

On December 31, 2021, the RHC’s revision of the implementing regulations for the Rental Housing Act took effect. The first major revision in 35 years, this rulemaking is a milestone for the rental housing community⁸ — and for the OTA who had participated in inter-agency consultations dating back to 2016. It addresses some long-standing concerns, including (1) “*de facto*” rent ceilings that violate the Council’s 2006 abolition of rent ceilings, and (2) certain unfair practices regarding housing provider petitions.

The OTA also commented on other regulatory matters affecting the affordability of rental housing in the District, including: (1) the Dept. of Energy & Environment’s Building Energy Performance Standards (BEPS); (2) DC Water’s Multifamily Assistance Program; (3) the Dept. of Consumer and Regulatory Affairs’ Short-Term Rental Regulations, and the U.S. Dept. of Housing and Urban Development’s Affirmatively Furthering Fair Housing rules. In addition, as a member of the Property Maintenance Technical Advisory Group (PM-TAG) of the Construction Codes Coordinating Board (CCCCB), the OTA will continue to advocate for improvements in the regulations that most directly impact where tenants live.

LITIGATION

In July 2021, the OTA submitted a brief in a case on appeal to the RHC about the rent control statute of limitations.⁹ The landlord failed to give the tenant a required rent increase disclosure, causing the tenant’s vacancy rent increase challenge to be untimely. The OTA argued that the doctrine of “equitable tolling” prevents the landlord from using the statute of limitations to evade the challenge. A decision in the case is pending.

FOOTNOTES

¹ See Act 23-247, Act 23-317, Act 23-326, Law 23-130, Act 23-332, Act 24-30, Law 24-9, Act 24-67, Act 24-125, Law 24-39, Act 24-178, and Act 24-231.

² “Tenant Protection and Eviction Prevention” (Committee on Housing and Executive Administration, September 14, 2020); “Examining the District’s Legislative Prohibition on Evictions During the COVID-19 Pandemic” (Committees on Judiciary and Public Safety, Housing and Executive Administration, and Human Services; February 4, 2021); “An Equitable End to Safety Net Protections Put in Place During the COVID-19 Pandemic” (Special Committee on COVID-19 Pandemic Recovery, May 21, 2021).

³ “Act 23-497, the “Fairness in Renting Emergency Amendment Act of 2020;” Law 23-255, the “Fairness in Renting Temporary Amendment Act of 2020;” Act 24-186, the “Fairness in Renting

Emergency Amendment Act of 2021;” and Act 24-226, the “Fairness in Renting Temporary Amendment Act of 2021.”

⁴ Bill 24-96, the “Eviction Record Sealing and Fairness in Renting Amendment Act of 2022”

⁵ Law 23-246, the “Voluntary Agreement Moratorium Emergency Amendment Act of 2020” (testimony before the Committee on Housing and Executive Administration on September 24, 2020)

⁶ Act 23-454, the “Certificate of Assurance Moratorium Emergency Amendment Act of 2020;” Law 23-173, the “Certificate of Assurance Moratorium Temporary Amendment Act of 2020;” Act 24-130, the “Certificate of Assurance Moratorium Extension Emergency Amendment Act of 2021” and Law 24-33, the “Certificate of Assurance Moratorium Extension Temporary Amendment Act of

2021” (testimony before the Committee on Housing and Executive Administration on September 14, 2020).

⁷ Bill 23-873, the “Rent Stabilization Program Reform and Expansion Amendment Act of 2020; Bill 23-877, the “Substantial Rehabilitation Petition Reform Amendment Act of 2020;” Bill 23-877, the “Substantial Rehabilitation Petition Reform Amendment Act of 2020;” and Bill 23-972, the “Hardship Petition Reform Amendment Act of 2020” (testimony before the Committee on Housing and Executive Administration on September 24, 2020, and November 16, 2020).

⁸ Rulemakings published 8/2/19; 11/20/20; and 8/20/21.

⁹ *Cambridge House Enterprises v. James Nimri* (Case No. 2018-DHCD-TP 30,999).

Overcoming the Odds ... Continued from page 2

LOW-cost, HIGH-visibility interactions help OTA maintain connection to tenant network despite pandemic

With the annual Tenant Summit made impossible due to the pandemic, OTA replaced the event with a plethora of virtual substitutes, including stakeholder presentations, monthly trainings, ANC meeting appearances, and tutorial videos.

Though OTA’s Annual Tenant Summit was cancelled this year, we held a virtual summit with a panel of experts to discuss the ramifications of pandemic legislation on renters facing financial hardship. The panelists, including DC Councilmember staff, representatives from Landlord & Tenant Court, the US Marshalls Service, STAY DC, and DC Legal Aid, discussed current conditions regarding the evictions process and how the courts have adapted to the pandemic.

In addition, we hosted “Let’s Talk,” a virtual discussion with guest speakers including experts from the Department of Behavioral Health, the Office of the Attorney General, and the OTA to discuss topics involving changing neighborhoods. The panelists discussed the use of marijuana in residential rental units, how to help a neighbor showing signs of mental illness, and stigma associated with housing vouchers in the District of Columbia. These virtual events were produced and streamed live on YouTube, Facebook, and Zoom, and the recordings remain available to watch on our YouTube page.

As in-person restrictions changed, E&O took advantage of the less restrictive moments and began to participate in in-person events, distributing educational materials and flyers and informing tenants about their rights and OTA’s services.

During FY 2021, OTA’s E&O team attended 56 in-person outreach events, including tabling, booths, and community events. Some of the highlights included the Far Southeast Collaborative Community Resource Fair, the Woodbury Tenant Association Community Fair, Cardozo Family Fun Event, the Department of Parks and Recreation’s Roving Leaders Day, Carver-Langston Family Day, Art All Night, the Department of Energy and the Environment’s Energy Efficiency Day, various Department of Aging and Community Living Fairs, and a DPW Roll-off Event. E&O also attended several STAY DC outreach events in partnership with the Department of Housing and Community Development (DHCD), which allowed us to speak with tenants directly, answer questions, and provide real-time assistance. Lastly, OTA’s E&O team also coordinated two in-person classes for the DC African diaspora.

MOVING FORWARD

OTA’s Education & Community Outreach team has accomplished a lot during these difficult times; however, we recognize that we need to do more. Our current priorities as the PHE moratoriums sunset are to: (1) expand our tenant association outreach and educational services; (2) increase our educational materials on evictions and eviction prevention; and



OTA partnered with other agencies, such as DC Public Libraries.

(3) find more community partners to help us disseminate the important work OTA does for District of Columbia tenants.

The E&O team plans on expanding our tenant association services by starting a Tenant Association Peer Mentorship Program, and eventually develop a Tenant Association Certification Program. We believe that tenants who know their rights and are organized are far better situated than those who are not. Simply put, tenants are in a better position to challenge unlawful rent increases and/or demand housing code violations be abated when there is a collective of tenants working as one. Our aim is to increase the overall number of TAs in DC and help improve the quality of life of those tenants.

Evictions are now permitted; however, due to the pandemic and related legislative amendments, E&O has noted confusion among tenants regarding the applicable law. Our eviction-prevention efforts will include tutorial videos on landlord requirements to file for an eviction, tenant defenses to eviction, as well as a two-part tutorial on the judicial process. Once the videos are complete, we will disseminate them through OTA’s social media accounts, credible messengers, tenant associations, and ANC meetings and other events to reach as many tenants as possible.

This year presented unique challenges that inspired quick action and thoughtful consideration of all avenues to reach the greater District of Columbia tenant community.