Finding a New Normal

T
two years ago, in the early months of 2020, the nation heard 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 peered 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). Brokens 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. Not so, from that day up to today. OTA operations have been conducted long distances—that is, virtually.

Not 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 marched 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 surprise, I have 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 handling 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 make up our staff for their tireless efforts, regardless of the demands placed upon them. I love them all, I close with this thought: "What we do live for, if not to make life less difficult for each other?" — George Eliot

As the saying goes, teamwork makes the dream work!
INFORMATIONAL SIGNS
“From existing infrastructure to OTA fee multiply exchanges, OTA and the Tenant Advocate maintained a series of public outreach events across the District. On one level, this is simply an effort to provide tenants with useful information and include them in the private sector's dialogue about the housing crisis. By doing so, we are able to ensure that tenants are informed and engaged in the decision-making process. This is especially relevant given the rapid shift in housing dynamics, including an increase in rental prices and a decrease in available affordable housing options. The Office of the Tenant Advocate (OTA) and the Tenant Advocate (TAV) work together to coordinate and facilitate these events, ensuring that tenants have access to critical information and resources. In this section, we will explore the benefits and challenges of hosting these events, and how they contribute to the overall goal of improving tenant satisfaction and engagement.}

DC Department of Health (DOH) COVID-19 testing sites began appearing throughout the city. OTO CTA team reached out to community partners with OTA. By coordinating with existing OTO infrastructure, we minimized costs and reached tenants directly. After visiting all the mass-testing sites, three locations were selected for OTO use. By April 2021, we had strategically placed OTO informational stand-alone signs at three of the most visited mass-testing sites in the District of Columbia—Judiciary Square, MLK Ave, UTCDC. Due to the dynamic nature of the pandemic, the Council attended tenant-related District laws on several occasions, modifying dates and/or other requirements. OTO 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 “STOP” placed on our original sign to accurately inform the public about the public safety and willful/wantonly exception to the eviction moratorium. As DOH mass-vaccination sites began to appear, OTO transitioned our messaging on several of the informational signs to these locations for the duration of the use as vaccination centers. Once the mass-testing and vaccination locations were repositioned, we transitioned to new locations by partnering with the Department of Health, the Department of Public Libraries. Currently, OTO informational signs can be found at certain recreation centers and public libraries.

FLYER DISTRIBUTION
“People helping people:letting 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 whether to pay rent or buy food. Cognizant of this difficult choice, OTO partnered with community-based food distribution organizations during the PHE to disseminate over 7,500 OTO informational flyers to individuals and households experiencing housing and food insecurity. The message on OTO 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.

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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 business and churches and community centers in Wards 1, 4, 5, 7, and 8 and distributed flyers in the community.

SOCIAL MEDIA

In FY 2021, OTO 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, OTO was able to broadcast events, classes, and presentations; source for recommendations; and respond to inquiries for help. For those tenants who use social media, OTO’s presence is obvious and valuable.

BUS ADVERTISEMENTS

OTO also purchased advertisements that ran throughout the District on Washington Metropolitan Area Transit Authority buses. To be most effective, OTAs advertisement had to be (much like the flyers and stand-alone signs) informative and straightforward. Again, OTO asked OTAs 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 readable emoji faces alongside their corresponding questions.

VIRTUAL EVENTS

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

In addition, OTO 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 mandates 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, OTO 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, OTO has assisted tenants in 16 buildings begin the process of forming a tenant association by providing training, technical guidance, and follow-up services. OTO 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 + 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, OTO 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. OTO identified the topics of interest and researched and drafted the text of each tutorial. In collaboration with OTO’s legal and policy branches, the tutorials were reviewed for legal accuracy and factual sufficiency. Once the “scripts” were approved by an OTO component, the graphics were included. Although the viewer only sees the final product, these tutorials require a team effort involving OTO’s legal, communications, outreach, and program analysts. Altogether, the videos have been viewed almost 1,000 times on YouTube as we continue to promote their use.
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, we should note that the 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 telling 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 in 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, mold, pest control, plumbing, 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 telling 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 issue; (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 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. However, unpublished opinions 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 reexamined.

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

The Pittsburgh Policy Branch—

The COVID-19 pandemic affected District renters in myriad ways. During the pandemic, 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 could not exercise their TOPA rights due to the need to distance themselves from others at 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 the Council to include in the District's pandemic-response legislation.

Yet, even as the OTA accomplished a lot during these difficult times; however, we are still in the pandemic response and things are not yet at the point of where we are normalizing.

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

The OTA also urged the Council to enact longer-term eviction protections. Facebook 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. Some of the Council's legislation enacted emergency and temporary “fairness in rental housing” protections not only the eviction protections but also eviction record sealing and tenant screening protections. Permanent legislation is now pending in the Council.

The OTA also advocated for the reduced standard annual rent increase to reflect increases in landlord’s actual average cost of 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 have not yet been served with an eviction petition, under a COA, exempt unit owners are entitled to huge tax subsidies if the building ever becomes subject to rent control. This compels the Council's ability to expand rent control to district-wide action during this ongoing affordable housing crisis and further protect moderate and lower-income renters. The Tenant Advocate expressed his support for tenant protection legislation and to continue to work to ensure these protections are permanent.

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