Codification District of Columbia Official Code

2001 Edition

2006 Fall Supp.

West Group Publisher

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Rental Housing Act of 1985 to ensure that no tenant is evicted under section 501(f) unless for the *bona fide* statutory purpose of making alterations or renovations to the rental unit which cannot safely be made while the rental unit is occupied, to ensure the absolute right of any tenant so evicted to reoccupy the rental unit, and, if the alterations or renovations are necessary to bring the rental unit into substantial compliance with the housing regulations, to ensure the right of any tenant so evicted to reoccupy the rental unit at the same rent, and to provide for an increase in the amount of relocation assistance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may cited as the "Tenant Evictions Reform Amendment Act of 2006".

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et. seq.*), is amended as follows:

(a) Section 501(f)(D.C. Official Code § 42-3505.01(f)) is amended as follows:

Note, § 42-3505.01

(1) Paragraph (1) is amended to read as follows:

"(f)(1)(A) A housing provider may recover possession of a rental unit for the immediate purpose of making alterations or renovations to the rental unit which cannot safely or reasonably be accomplished while the rental unit is occupied, so long as:

"(i) The plans for the alterations or renovations have been filed with the Rent Administrator and the Chief Tenant Advocate;

"(ii) The tenant has had 21 days after receiving notice of the application to submit to the Rent Administrator and to the Chief Tenant Advocate comments on the impact that an approved application would have on the tenant or any household member, and on any statement made in the application;

"(iii) An inspector from the Department of Consumer and Regulatory Affairs has inspected the housing accommodation for the accuracy of material statements in the application and has reported his or her findings to the Rent Administrator and the Chief Tenant Advocate;

"(iv) On or before the filing of the application, the housing provider has given the tenant:

"(I) Notice of the application;

"(II) Notice of all tenant rights;

"(III) A list of sources of technical assistance as published in the District of Columbia Register by the Mayor;

"(IV) A summary of the plan for the alterations and

renovations to be made; and

"(V) Notice that the plan in its entirety is on file and available for review at the office of the Rent Administrator, at the office of the Chief Tenant Advocate, and at the rental office of the housing provider; and

"(v) The Rent Administrator, in consultation with the Chief Tenant Advocate, has determined in writing:

"(I) That the proposed alterations and renovations cannot safely or reasonably be made while the rental unit is occupied;

"(II) Whether the alterations and renovations are necessary to bring the rental unit into compliance with the housing code and the tenant shall have the right to reoccupy the rental unit at the same rent; and

"(III) That the proposal is in the interest of each affected tenant after considering the physical condition of the rental unit or the housing accommodation and the overall impact of relocation on the tenant.

"(B) As part of the application under this subsection, a housing provider shall submit to the Rent Administrator for review and approval, and to the Chief Tenant Advocate, the following plans and documents:

"(i) A detailed statement setting forth why the alterations and renovations are necessary and why they cannot safely or reasonably be accomplished while the rental unit is occupied;

"(ii) A copy of the notice that the housing provider has circulated informing the tenant of the application under this subsection;

"(iii) A draft of the notice to vacate to be issued to the tenant if the application is approved by the Rent Administrator;

"(iv) A timetable for all aspects of the plan for alterations and renovations, including:

"(I) The relocation of the tenant from the rental unit and back into the rental unit;

"(II) The commencement of the work, which shall be within a reasonable period of time, not to exceed 120 days, after the tenant has vacated the rental unit;

"(III) The completion of the work; and

"(IV) The housing provider's submission to the Rent Administrator and the Chief Tenant Advocate of periodic progress reports, which shall be due at least once every 60 days until the work is complete and the tenant is notified that the rent unit is ready to be reoccupied;

"(v) A relocation plan for each tenant that provides:

"(I) The amount of the relocation assistance payment for each unit;

"(II) A specific plan for relocating each tenant to another unit in the housing accommodation or in a complex or set of buildings of which the housing accommodation is a part, or, if the housing provider states that relocation within the same building or complex is not practicable, the reasons for the statement;

"(III) If relocation to a rental unit pursuant to sub-sub-subparagraph (II) of this sub-subparagraph is not practicable, a list of units within the housing provider's portfolio of rental accommodations made available to each dispossessed tenant, or, where the housing provider asserts that relocation within the housing provider's portfolio of

rental accommodations is not practicable, the justification for such assertion;
"(IV) If relocation to a rental unit pursuant to sub-sub-subparagraph (II) or (III) of this sub-subparagraph is not practicable, a list for each tenant affected by the relocation plan of at least 3 other rental units available to rent in a housing accommodation in the District of Columbia, each of which shall be comparable to the rental unit in which the tenant currently lives; and

"(V) A list of tenants with their current addresses and telephone numbers.

"(C) The Chief Tenant Advocate, in consultation with the Rent Administrator, shall:

"(i) Within 5 days of receipt of the application, issue a notice, which shall include the address and telephone number of the Office of the Chief Tenant Advocate, to each affected tenant stating that the tenant:

"(I) Has the right to review or obtain a copy of the application, including all supporting documentation, at the rental office of the housing provider, the Office of the Chief Tenant Advocate, or the office of the Rent Administrator;

"(II) Shall have 21 days in which to file with the Rent Administrator and serve on the housing provider comments upon any statement made in the application, and on the impact an approved application would have on the tenant or any household member; and

"(III) May consult the Office of the Chief Tenant Advocate with respect to ascertaining the tenant's legal rights, responding to the application or to any ancillary offer made by the housing provider, or otherwise safeguarding the tenant's interests;

"(ii) At any time prior to or subsequent to the Rent Administrator's approval of the application, make such inquiries as the Chief Tenant Advocate considers appropriate to determine whether the housing provider has complied with the requirements of this subsection and whether the interests of the tenants are being protected, and shall promptly report any findings to the Rent Administrator; and

"(iii) Upon the Rent Administrator's approval of the application:

"(I) Maintain a registry of the affected tenants, including their subsequent interim addresses; and

"(II) Issue a written notice, which shall include the address and telephone number of the Office of the Chief Tenant Advocate, to each affected tenant that notifies the tenant of the right to maintain his or her tenancy and the need to keep the Chief Tenant Advocate informed of interim addresses;

"(D) The housing provider shall serve on the tenant a 120-day notice to vacate prior to the filing of an action to recover possession of the rental unit that shall:

"(i) Notify the tenant of the tenant's rights under this subsection, including the absolute right to reoccupy the rental unit, the right to reoccupy the rental unit at the same rate if the Rent Administrator has determined that the alterations or renovations are necessary to bring the rental unit into substantial compliance with the housing regulations, and the right to relocation assistance under the provisions of Title VII;

"(ii) Include a list of sources of technical assistance as published in the District of Columbia Register by the Mayor; and

"(iii) Include a copy of the notice issued by the Chief Tenant Advocate pursuant to paragraph (1)(C)(iii)(II) of this subsection.

"(E) Within 5 days of the completion of alterations and renovations, the housing provider shall provide notice, by registered mail, return receipt requested, to the tenant, the Rent Administrator, and the Chief Tenant Advocate that the rental unit is ready to be occupied by the tenant.

"(F) Any notice required by this section to be issued to the tenant by the housing provider, the Rent Administrator, or the Chief Tenant Advocate shall be published in the languages as would be required by section 4(a) of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933(a)).".

(2) Paragraph (2) is amended to read as follows:

"(2) Immediately upon completion of the proposed alterations or renovations, the tenant shall have the absolute right to reoccupy the rental unit. A tenant displaced by actions under this subsection shall continue to be a tenant of the rental unit as defined in section 103(17) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.03(17)), for purposes of rights and remedies under such act, until the tenant has waived his or her rights in writing. Until the tenant's right to reoccupy the rental unit has terminated, the housing provider shall serve on the tenant any notice or other document regarding the rental unit as required by any provision of the Rental Housing Conversion and Sale Act of 1980, the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501 *et seq.*), or any other law or regulation, except that service shall be made by first-class mail at the address identified as the tenant's interim address pursuant to paragraph (f)(1)(C)(iii) of this subsection.".

(3) New paragraphs (5) and (6) are added to read as follows:

"(5) Prior to the date that the tenant vacates the unit, the Rent Administrator shall rescind the approval of any application under this subsection upon determining that the housing provider has not complied with this subsection.

"(6) If, after the tenant has vacated the unit, the housing provider fails to comply with the provisions of this subsection, the aggrieved tenant or a tenant organization authorized by the tenant may seek enforcement of any right or provision under this subsection by an action in law or equity. If the aggrieved tenant or tenant organization prevails, the aggrieved tenant or tenant organization shall be entitled to reasonable attorney's fees. In an equitable action, bond requirements shall be waived to the extent permissible under law or court rule.".

(b) Section 701 (D.C. Official Code § 42-3507.01) is amended by striking the phrase "in accordance with section 501(g), (h), or (i)" and inserting the phrase "in accordance with section 501(f), (g), (h), or (i)" in its place.

Note, § 42-3507.01

(c) Section 703 (D.C. Official Code § 42-3507.03), is amended as follows:

Note, § 42-3507.03

(1) Subsection (a) is amended as follows:

(A) The lead-in text is amended by striking the phrase "The amount of relocation assistance" and inserting the phrase "Until the Mayor establishes the amount of relocation assistance pursuant to subsection (b) of this section, the amount of relocation assistance" in its place.

(B) Paragraph (1) is amended by striking the phrase "the amount of $150" and inserting the phrase "the amount of $300" in its place.

(C) Paragraph (2) is amended by striking the phrase "the amount of $75" and inserting the phrase "the amount of $150" in its place.

(2) Subsection (b) is amended to read as follows:

"The Mayor shall establish the amount to be paid tenants for relocation assistance within 30 days of the effective date of the Tenant Eviction Amendment Act of 2006, passed on 2nd

reading on April 4, 2006 (Enrolled version of Bill 16-556). Thereafter, the Mayor shall, by rule, adjust the amount to be paid tenants for relocation assistance not more than once every 12 months and not less than once every 3 years. The amount of relocation assistance shall reflect the cost of moving, including transporting personal property, packing and unpacking, insurance of property while in transit, storage of personal property, the disconnection and re-connection of utilities, and any other reasonable factor, within the Washington-Baltimore Standard Metropolitan Statistical Area.".

Sec. 3. Fiscal impact statement.
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206(c)(1), and publication in the District of Columbia Register.

____
Chairman
Council of the District of Columbia

____
Mayor
District of Columbia