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**Government of the District of Columbia**



**D.C. Office of the Tenant Advocate**

Testimony of

**Johanna Shreve**  
Chief Tenant Advocate

**Public Hearing**

**PR19-0453, "Chief Tenant Advocate  
of the Office of the Tenant Advocate  
Johanna Shreve Confirmation Resolution of 2011"**

Council of the District of Columbia

Committee on Public Services and Consumer Affairs  
The Honorable Yvette Alexander, Chairperson

Wednesday, January 18, 2012  
11:00 a.m.

Room 412  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

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Good morning, Chairperson Alexander and members of the Committee on Public Services and Consumer Affairs, and thank you for convening this hearing on my nomination to serve another three-year term as the District's Chief Tenant Advocate. I am Johanna Shreve, the Chief Tenant Advocate for the District of Columbia in the Office of the Tenant Advocate. First I would like to thank the Mayor for the confidence he has shown in me by re-nominating me for this position. And I would like to thank you, Chairperson Alexander and the Committee, for supporting the OTA's efforts on behalf of the tenant community. Today I will discuss why the Council created the OTA in 2005, the OTA's statutory mission, and the progress that the agency has made during my tenure as the District's first Chief Tenant Advocate.

**The OTA'S mission**

Renters comprise approximately sixty to sixty-five percent of the District's population, and they have long enjoyed some of the strongest legal protections in the nation. But these legal protections have tended to exist more on paper than in the reality of tenants' lives. Historically, this has largely been due to the imbalance of power that is inherent in most landlord-tenant relationships. Housing providers generally have far greater financial and legal resources at their disposal than tenants do; rental housing cases

tend to be far more remunerative for landlord attorneys than for tenant attorneys; and the vast majority of tenants who seek to vindicate their rights through legal action must do so on a *pro se* basis. This imbalance of *representation* in favor of landlords correlates to an imbalance of *knowledge* -- which too often is turned against tenants unfairly and sometimes unlawfully. Furthermore, this imbalance of power is replicated in the realm of policy advocacy, particularly at the administrative level. However strong tenant rights statutes may be, historically renters have had less meaningful access to those in government who are responsible for interpreting and administering and executing those laws. The impact of these imbalances is unmistakable – and we have seen their ill effects in terms of the availability, the affordability, and the quality of rental housing in the District.

The premise behind the Council’s creation of the OTA in 2005 was simple -- that an independent voice for tenants within the government is the right antidote to these imbalances, which have long existed between landlords and tenants, and which have long undermined tenant rights. In the half-dozen years since its establishment, I believe the OTA has vindicated that premise and the Council’s vision by helping to reverse the historical picture of a tenant community that is under-served, under-represented, and under-informed.

Our longer-term success depends, however, on the understanding that, fundamentally, our mission is to help level the playing field, not to promote tenant rights at the expense of the legitimate rights of housing providers. Accordingly, we strive to strike appropriate balances, forge consensus, and initiate constructive dialogue with housing providers and sister agencies whenever possible. I believe that this vision serves everyone well, not only tenants but also housing providers themselves and District tax-payers. After all, stability in the District's large rental housing market contributes to stable communities and a stable housing market generally. Each of the problems we tackle every day -- chronically poor housing conditions, price instability, homelessness or threatened homelessness, and protracted landlord-tenant disputes -- places significant burdens on multiple District agencies and significant costs on scarce government resources. Often-times these burdens and costs are completely avoidable.

### **The OTA's progress**

The OTA was established as an office within the Department of Consumer and Regulatory Affairs in 2005; I began my tenure as the District's first Chief Tenant Advocate in 2006; and the OTA became an independent agency in 2007. Under our establishment act, our mission is to:

- (1) provide technical and legal support in a variety of forms to tenants

regarding disputes with their landlords; (2) advocate for policies in the legislative, regulatory, and judicial contexts that will protect and promote the rights and interests of District renters; (3) educate the tenant community about tenant rights and rental housing law and policy; and (4) create and administer and manage the Emergency Housing Assistance Program, which provides emergency housing assistance to tenants displaced by government closures and other emergency circumstances. (the “Office of the Chief Tenant Advocate Establishment Act of 2005,” Subtitle G of Title II of Law 16-33, the “Fiscal Year 2006 Budget Support Act of 2005,” effective October 20, 2005; D.C. Official Code § 42-3531.07)

I am proud of the progress we have made over the past half-decade. Over that period of time, our case intake numbers have tripled. In Fiscal Year 2007, our first full year of operation, our case managers assisted 1,107 clients. Based on the steady increase, in Fiscal Year 2013 we project that approximately 3,370 tenants will come through our doors, and that over 13,400 District residents including household members and co-tenants will benefit as a result. Through the Emergency Housing Assistance Program, in Fiscal Year 2011 we provided relocation housing to 299 individuals in 111 cases who were displaced by a fire, flood, or government closure. Our two litigating attorneys are now fixtures at the Office of Administrative Hearings

and in the D.C. courts including Landlord and Tenant Branch. Regarding policy advocacy, we have helped to advance the rights and interests of tenants by working with the Council on legislation regarding a broad range of concerns, including preserving TOPA rights and establishing the basic right to tenant associational standing at administrative hearings; with sister agencies on numerous rule-making and other administrative matters; and with D.C. Superior Court and advocates regarding the new Housing Conditions Calendar. Our education and outreach programs -- including the Annual Summit, the stakeholder listserv, and our tenant rights workshops -- are reaching an ever increasing number of District renters.

**OTA Priorities**

I will now discuss some of the agency's priorities moving forward.

**a. Expanding legal representation and technical advice capacity**

As our case intake numbers, requests for representation, and general legal inquiries continue to steadily increase, it is imperative that we consider ways to expand our capacity to handle the community's demand for these services. While we understand the District's ongoing financial constraints, we are discussing with the administration the possibility of additional funding for a third litigating attorney. Regardless, we are expanding our capacities in other ways. We intend to recruit students from area law

schools year-round, to assist with general legal inquiries and provide advice to tenants under the supervision of staff attorneys. This will further expand the agency's ability to fulfill its statutory duty to provide a Tenant Phone Hotline. (To date that function has been fulfilled by multiple OTA staff on a daily basis -- including the Director, the Legislative Officer, the General Counsel, the Paralegal Specialist, and other staff.) We have reached out to the Attorney General's office, which we understand is also contemplating such an internship program.

We also intend to implement a year-round college volunteer internship program based on the success of our summer program, which has included research, legal and public policy writing projects, filing and other administrative tasks. One of the goals of these programs is to introduce law students and "pre-law" college undergraduates to the work of the OTA, and thus encourage them to consider legal careers that will include practice in this challenging but under-served area of the law.

**b. Administrative and regulatory coordination:**

As the government's front-line on tenant issues, the OTA encounters on a daily basis the issue of housing provider non-compliance with laws and regulations that are under the purview of sister agencies. More generally, we see that the lack of interagency coordination is a chronic problem that

results in a loss of District revenue as well as deprivation of tenant rights. As a result we have developed an “interagency alert” system based on our standard case-intake protocol, through which our case managers check for housing provider compliance with licensing and registration requirements. For any instance of non-compliance, our database automatically generates and transmits to the relevant agency (DCRA, DHCD/RAD, and DCHA) an interagency alert as to the violation. As a result of recent talks with the Office of Tax and Revenue, we will soon formally add improper “homestead deduction claims” to our compliance protocol and interagency alert system.

**c. “Rapid Response” Program**

Tenants in the District have any number of valuable rights, including rent control and the first right of purchase. Too often, however, the purposes of these protections are defeated simply because tenants lack the information necessary to timely exercise their rights. Accordingly, the OTA has developed a “rapid response” program, or a letter alert system, to apprise tenants of basic information about their cases. Upon receipt of certain rent control, TOPA, litigation, and other material, OTA’s immediately sends letters to all affected tenants to apprise them of their rights and of the OTA’s availability to provide further assistance. Our “rapid response” program includes letters to residents of all properties listed for foreclosure sales;



residents of any property for which the owner has applied to the Rent Administrator for approval to issue 120-day notices to temporarily vacate while alterations and renovations are made (commonly referred to as “501f” notices); tenants who have received either an Offer of Sale or a “Notice of Transfer” (non-sale) under the tenant right of purchase law; tenants served with a housing provider rent increase petition under the rent control law (Voluntary Agreement, Capital Improvement, Hardship Petition, Substantial Rehabilitation, Services & Facilities); any tenant who has filed a tenant petition with the Rent Administrator who appears not to have legal representation; and tenants who are parties to cases scheduled for mediation or a hearing at the Office of Administrative Hearings and who appear not to have legal representation.

**d. Expanding education and outreach programs to the tenant community:**

OTA has developed workshops on a variety of tenant issues, as well as educational handout materials and web based eLearning materials. This year we will institute more formal educational workshops and a speaker series, to be held at the OTA as well as in the community at various District-wide locations. In our responses to the questions posed in advance of this hearing, we provided the Committee with a list of the events that we plan to include in our new “Tenant Educational Institute.”

An important goal in this area is to use the latest technology such as new interactive applications or “apps” to reach as many potential users as possible, particularly our growing number of clients who are students and young people. The “Speaker Series” initiative will provide tenants with opportunities to hear community leaders address emerging issues that affect them.

The OTA will continue to expand its Resource Center to include a more diverse selection of educational materials, including “take-away” material and interactive materials on Resource Center computers. In Fiscal Year 2013, the OTA will also launch an OTA Newsletter that will address issues arising from the tenant community; provide updates on District and federal legislative and regulatory developments; cover emerging policy matters such as environmental and utility concerns; provide notices of important tenant meetings.

**e. Policy advocacy:**

The OTA is engaged on a wide array of legislative, regulatory, and other policy matters with the Council, the Mayor’s office, and sister agencies. Let me mention just two of our legislative priorities:

**1. Rent control reform:** We are discussing with stakeholders and the Committee on Housing and Workforce Development comprehensive

reform proposals to address problems involving the shorter-term and longer-term affordability of rent control units, and administration and enforcement challenges.

**2. Lien Authority to recoup emergency housing costs:** A long-standing policy goal of the agency has been to shift tenant relocation costs incurred by the OTA under the Emergency Housing Assistance Program to the landlord whose own dereliction has caused the tenant displacements in the first place. This would provide landlords with a further incentive to comply with the housing code and to respond to tenants' repair requests. It would also relieve taxpayers of costs associated with "nuisance conditions," similar to the way DCRA exercises its "clean and lien" authority – that is, after abating nuisance conditions for which property owners are culpable, DCRA may recoup the expenditures by imposing costs as a tax lien on the property. These derelict property owners should also be held responsible for any emergency housing costs incurred by District taxpayers. Bill 19-134, the "Nuisance Abatement Special Purposes Revenue Fund Amendment Act of 2011," in part would do just that, and again we thank you, Councilmember Alexander, for co-introducing this important legislation along with two other co-introducers and seven co-sponsors.

*Primary challenge and longer-term vision*

The overarching challenge for an agency of 14 FTE's and a constituency of 350,000 is to continue to optimize our resources so that we are "doing more with less," and thus fulfilling all aspects of our mission to the greatest extent possible. I believe that the initiatives I have discussed today will allow us to do just that.

As I have noted on previous occasions, I am pleased that the OTA is becoming something of a national and even an international resource and role model. We have engaged any number of inquiries from officials in jurisdictions as diverse as Montgomery County, Maryland; Manassas, Virginia; Los Angeles, California; and even the Legislative Assembly of Toronto, Ontario, Canada (regarding our D.C. Tenant Bill of Rights). At the same time, however, I am keenly aware that our mission is nowhere near complete. If we are to meet the tenant community's rising needs and expectations, and if our statutory purposes are to be fulfilled, the agency's continued development is imperative.

When my tenure as the District's first Chief Tenant Advocate comes to an end, my vision for the OTA is an agency that has formalized and systemized and refined its activities with regard to each aspect of its mission -- legal representation, policy advocacy, education and outreach, and

emergency housing -- so that the OTA is not only a model agency for other jurisdictions, but also is one that other District agencies can emulate in any number of ways.

**Conclusion**

Thank you, Chairperson Alexander and members of the Committee, for this opportunity to report on the progress of the OTA under my tenure as the District's first Chief Tenant Advocate, and thank you for considering my re-nomination. I will conclude my testimony with a thought from Aristotle that I believe is especially relevant today: "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in government to the utmost." I am now happy to answer any questions you may have.