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Chairman Phil Mendelson

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on an emergency basis, the Rental Housing Act of 1985 to prohibit the execution of residential evictions during precipitation; to establish the eviction procedure and requirements of a housing provider before, during, and immediately after a residential eviction; to establish standards for the storage and disposal of an evicted tenant’s personal property; to clarify, in a non-residential eviction, the legal status of an evicted tenant’s remaining personal property and a housing provider’s civil liability for such property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Eviction with Dignity Emergency Amendment Act of 2018”.

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(k) (D.C. Official Code § 42-3505.01(k)) is amended as follows:

(1) Strike the phrase “tenant on any day when the National Weather Service predicts at 8:00 a.m. that the temperature at the National Airport weather station will fall below 32 degrees Fahrenheit or 0 degrees centigrade within the next 24 hours.” and insert the phrase “tenant:” in its place.

(2) New subparagraphs (1) and (2) are added to read as follows:

“(1) On any day when the National Weather Service predicts at 8:00 a.m. that the temperature at the National Airport weather station will fall below 32 degrees Fahrenheit or 0 degrees centigrade; or

“(2) When precipitation is falling at the location of the rental unit.”.

(b) A new section 501a is added to read as follows:

“Sec. 501a. Storage and disposal of tenants’ personal property upon eviction.

“(a) A housing provider shall not remove an evicted tenant’s personal property from a rental unit except as provided in this section.

“(b)(1) In addition to any notification from the United States Marshals Service (“Marshals”) to the tenant of the date of eviction, a housing provider shall deliver to the tenant a notice confirming the date of eviction not less than 14 days before the date of eviction by using no fewer than 2 of the following methods:

“(A) Telephone or electronic communication, including by email or mobile text message;

“(B) First-class mail to the address of the rental unit; or

“(C) Conspicuous posting in a matter reasonably calculated to provide notice.

“(2) The notice shall:

“(A) State the tenant’s name, and the address of the rental unit;

“(B) Specify the date on which the eviction is first scheduled to be executed;

“(C) State that the eviction will be executed on that date unless the tenant vacates the rental unit and returns control of the property to the housing provider;

“(D) Prominently warn the tenant that any personal property left in the rental unit will be considered abandoned 48 hours after the time of eviction; and

“(E) State that it is the final notice of the date of the eviction, even if the eviction date is postponed by the court or Marshals;

“(c)(1) At the time of eviction, the housing provider shall change the locks on the rental unit in the presence of the Marshals, at the housing provider’s expense, and take legal possession of the rental unit by receipt of a document from the Marshals, in a form to be determined by the court.

“(2) At the time of eviction, the housing provider shall conspicuous post in a matter reasonably calculated to provide notice to the evicted tenant the following information:

“(A) The name and phone number of a person to contact who can grant access to the rental unit on the housing provider’s behalf pursuant to subsection (d) of this section;

“(B) The phone number of the Office of the Chief Tenant Advocate;

“(C) The United States Marshals;

“(D) The District of Columbia Landlord Tenant Court; and

“(E) The text of subsection (d) of this section attached to, or made a part of, the notice

“(3) Any right of the evicted tenant to redeem the tenancy shall be extinguished at the time of eviction.

“(d)(1) Any personal property of the evicted tenant present in the rental unit at the time of eviction shall remain in the rental unit for the 48-hour period after the time of eviction unless removed by the evicted tenant pursuant to this subsection.

“(2) The housing provider shall maintain and exercise reasonable care in the storage of the personal property of the evicted tenant during the 48-hour period after the time of eviction.

“(3)(A) The housing provider shall grant the evicted tenant at least 3 continuous hours of access to the rental unit to remove his or her personal property at an agreed-upon time during the 48-hour period after the time of eviction, without requiring payment of rent or service fees.

“(B) If the housing provider fails to grant access to the evicted tenant to remove his or her personal property as provided in this paragraph, the evicted tenant shall have a right to injunctive relief and such other relief as may be provided by law.

“(4) Any of the evicted tenant’s personal property remaining in the rental unit upon expiration of the 48-hour period after eviction shall be deemed abandoned property.

“(5) The housing provider shall remove, or dispose of, any abandoned property in the rental unit upon the expiration of the 48-hour period after eviction without further notice or obligation to the evicted tenant.

“(6) The housing provider shall dispose of any abandoned property by any lawful means of disposal.

“(A) If the housing provider receives any funds from any sale of such abandoned property, the housing provider shall pay such funds to the account of the evicted tenant and apply any amounts due the housing provider by the evicted tenant, including the actual costs incurred by the housing provider in the eviction process described in this section.

“(B) If any funds are remaining after application, the remaining funds shall be treated as security deposit under applicable law.

“(7) The housing provider is prohibited from placing or causing the placement of abandoned property in an outdoor space other than a lawful disposal receptacle; provided, that a housing provider may place abandoned property or cause abandoned property to be placed in an outdoor private or public space while in the process of transporting the property from the premises for disposal.

“(8) An evicted tenant is prohibited from disposing of or causing the disposal of personal property in an outdoor space other than a lawful disposal receptacle; provided, that an evicted tenant may place personal property or cause personal property to be placed in an outdoor private or public space while in the process of transporting the property from the premises.

“(e) This section shall not apply to evictions carried out by the District of Columbia Housing Authority.

“(f) For the purposes of this section, the term “time of eviction” means the time at which the Marshals execute a writ of restitution.

Sec. 3. Non-residential evictions.

(a) At the time of eviction, the landlord shall change the locks on the leased premises in the presence of the United States Marshals Service (“Marshals”), at the landlord’s expense, and take legal possession of the leased premises by receipt of a document from the Marshals.

(b) Any right of the evicted tenant to redeem the tenancy shall be extinguished at the time of eviction.

(c) Any personal property remaining in or about the leased premises at the time of eviction is deemed abandoned.

(d) The landlord shall dispose of any abandoned personal property by any lawful means of disposal.

(e) The landlord is prohibited from placing or causing the placement of abandoned personal property in an outdoor space other than a licensed disposal facility or lawful disposal receptacle; provided, that a landlord may place abandoned property or cause abandoned property to be placed in an outdoor private or public space while in the process of transporting the property from the leased premises for disposal.

(f) The landlord and anyone acting on behalf of the landlord shall be immune from civil liability for loss or damage to the evicted tenant’s abandoned property or claims related to its lawful disposal.

(g) For the purposes of this section, the term “time of eviction” means the time at which the Marshals execute a writ of restitution.

Sec. 4. Repealer.

The Eviction Reform Emergency Amendment Act of 2018, passed on June 26, 2018 (Enrolled version of Bill 22- 864), is repealed.

Sec. 5. Applicability.

This act shall apply as of July 9, 2018.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).