


COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW
Washington, DC 20004

MEMORANDUM

TO: Nyasha Smith, Secretary to the Council

FROM: Phil Mendelson, Chairman 

DATE: July 8, 2021

RE: **Request to Place Measures on the July 13, 2021 Legislative Meeting Agenda**

The following measures are placed on the agenda for the July 13, 2021 Legislative Meeting:

- **Public Health Extension and Eviction and Utility Moratorium Phasing Emergency Declaration Resolution of 2021**
- **Public Health Extension and Eviction and Utility Moratorium Phasing Emergency Amendment Act of 2021**
- **Public Health Extension and Eviction and Utility Moratorium Phasing Temporary Amendment Act of 2021**

On March 11, 2020, the Mayor of the District of Columbia issued Mayor's Orders 2020-45 and 2020-46, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19. The Council has since enacted extensions to the Mayor's authority, and included numerous provisions to protect the public. This has included an eviction and utility moratorium that remains in place. With the growing possibility that the Mayor may no longer need authority to declare a public health emergency, many of the protections in the current will would lapse leading to an eviction and utility disconnection cliff.

This emergency would amend the Coronavirus Support Temporary Amendment Act of 2021 regarding utility and eviction moratoria to gradually phase out the moratoria. Details of the proposed changes are:

- Allow provisions contained in the Temporary Act to continue without interruption.
- Exempt low-income utility consumers from any utility disconnection.
- Authorize the Office of the People's Counsel to assist customers to negotiate payment plans.
- After October 12, 2021, the measures would narrowly focus those covered by a moratorium to lower income individuals on a public assistance program and those who are receiving utility assistance (such as LIHEAP) from the District. The language contemplates the possibility that the Executive may allow home internet arrearages to be paid out of STAY DC and modifies the moratorium accordingly. Although not required, the legislation is structured to encourage utility customers to seek financial assistance. The intent is to eliminate their debt.
- Allow housing providers to file eviction cases where the tenant is a danger to health and safety, a tenant has willfully or wantonly caused significant damage to the property or rental unit, or

where a housing provider who owns four or fewer units is experiencing severe financial distress and the tenant is not eligible for emergency rental assistance.

- Restrict the filing of eviction cases for non-payment of rent until October 12, 2021 to give time for improvements to be made to STAY DC. After October 12, housing providers could only file non-payment of rent cases after initiating or submitting an emergency rental assistance application and waiting 60 days, or if they can demonstrate that the tenant is not eligible for emergency rental assistance.
- Restrict the filing of eviction cases for material breaches of lease not covered by the above exceptions until January 1, 2022.
- Provide other protections for tenants, including requiring a notice of past due rent with specific information on it be served to the tenant, and requiring court summons to be served 30 before the initial hearing, rather than 7 days before the trial.

In addition, this emergency would repeal the expedited review of Grant Budget Modifications that was granted by the Council in March 2020 given uncertainty in grant funds that would be available from the federal government and the Council's ability to review the grant modification requests. Repealing this provision returns the process to that contemplated under the Home Rule Act.

To summarize the benefits of the proposed changes to the eviction moratorium:

1. Low-income tenants will be protected because (a) a housing provider will not be able to proceed with an eviction case for nonpayment of rent unless the housing provider has applied for assistance from STAY DC (and waited 60 days). As a practical matter, STAY DC will pay the rent for tenant's who qualify and there will be no basis for eviction. (b) Rather than general protection from eviction for 60 days after the public health emergency, tenant's will be protected (except for limited exceptions) until January 1, 2022. (c) By making STAY DC a predicate to eviction, more low-income tenants will have their debts eliminated.
2. All tenants will benefit in those extremely problematic neighbors, such as those committing crimes of violence at the rental property or causing significant damage to the property can be evicted sooner.
3. Housing providers will benefit in that extremely problematic tenants can be evicted, with case filings allowed immediately for tenants who commit crimes of violence at the rental property or causing significant damage to the property.
4. Small housing providers (i.e., providers who own four or fewer units) will benefit by being able to file eviction cases if they can demonstrate that they are experiencing severe financial, the tenant is not eligible for rental assistance, and the housing providers financial distress will be mitigated or relieved by recovering possession of the unit(s) from the tenant.

The draft measures are attached. Please call me or Mr. Blaine Stum if you have any questions at (202) 724-8092.

cc: All Councilmembers
Council Officers