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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Coronavirus Support Amendment Act of 2021 to provide for a moratorium on utility disconnections for qualified customers, and to amend DC Code 16-501, 16-502 and Section 501 of the Rental Housing Act of 1985 to provide for additional requirements and phasing of eviction filings and evictions.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Public Emergency Extension and Eviction and Utility Moratorium Phasing Emergency Declaration Resolution of 2021”.

Sec. 2. (a) On March 11, 2020, the Mayor of the District of Columbia issued Mayor’s Order 2020-45, 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. Additional orders have since been issued since as the pandemic has ebbed and flowed, but strategic reopening measures and widespread vaccination have pushed the District’s reopening metrics to Phase 3, with the lowest daily case rates since early March and lowest positive test rate since the pandemic started. As such, the Mayor will not be extending the public health emergency beyond July 25, 2021. While the indicators are largely positive, the situation may require continued public health guidance and coordinated response, particularly for vulnerable populations such as individuals who have not been fully vaccinated and people who

37 are homeless. As such, it is necessary to extend the Mayor's authority to declare a public
38 emergency until October 8, 2021.

39 (b) With the expiration of the public health emergency, protections included in provisions
40 of the Coronavirus Support Temporary Amendment Act of 2020 (D.C. Law 23-130) and
41 associated legislation, which is currently controlling, will no longer be effective. These
42 protections include the funeral service bill of rights, prohibitions against price gouging and
43 stockpiling, a moratorium on foreclosures, and extensions of public benefit access timelines. To
44 ensure that Council Committees have adequate time to address these protections without need for
45 additional emergency legislation, it is necessary to extend these statutory protections until
46 November 5, 2021, or in rare cases, December 31, 2021.

47 (b) In April 2021, the District launched the federally funded STAY DC program which
48 provides funding for up to 12 months of past due rent and up to three months future rent for
49 tenants who meet federal eligibility and income requirements. That program also covers past
50 due utility arrears.

51 (d) Utility customers entering into authorized payment plans are currently not subject to
52 service disconnection. However, some customers have not entered into payment plans. Under
53 current law adopted at the outset of the pandemic, there is also a blanket disconnection
54 moratorium without regard to whether a customer has been financially impacted by COVID-19.
55 Arrearages for utilities have been rising throughout the pandemic which is creating consumer
56 debt with District residents who are not paying for whatever reason. It is necessary that the
57 blanket disconnection moratorium, which is in effect during the public health emergency, be
58 modified to only apply to those who are receiving utility assistance from the District or enrolled
59 in a public assistance program starting October 11, 2021.

60 (e)(1) The COVID-19 pandemic has resulted in tens of thousands of people losing jobs or
61 getting their hours cut, significantly reducing pay. As a result, the latest data from the Census
62 Bureau's Household Pulse Survey suggests that roughly 15,000 renter-occupied households in
63 the District are not current on their rent. Approximately 60% of those households made less than
64 \$50,000 prior to the pandemic.

65 (2) The District of Columbia received \$350 million through the Consolidated
66 Appropriations Act of 2021 (Pub. L. 116-260) and the American Rescue Plan Act (Pub. L. 117-
67 2) to provide rental and utility assistance to households that are at risk of housing instability or
68 homeless, or have experienced a reduction in income due to the COVID-19 pandemic, incurred
69 significant costs because of the pandemic, or experienced other financial hardship directly or
70 indirectly due to the pandemic and have a household income of 80% AMI or less.

71 (3) To ensure that 65% of the emergency rental assistance funding is allocated
72 before September 30, 2021, it is necessary to require improvements to the STAY DC
73 program, including allowing housing providers to submit applications on behalf of their
74 tenants through the application portal with the tenant's electronic signature.

75 (4) To ensure improvements to STAY DC are in place before eviction filings for
76 non-payment of rent can proceed, it is necessary to prohibit such filings until October 12, 2021 at
77 the earliest, after which point housing providers may file for non-payment of rent if they follow
78 specific requirements of the law.

79 (3) To avoid a predicted "tsunami" of eviction filings for non-payment of rent, it
80 also is necessary to amend Title 16 to phase out the eviction moratorium and provide for
81 additional protections, including:

82 (A) Allowing housing providers to issue past due rent notices as
83 soon as the public health emergency expires. These notices must meet specific requirements in

84 DC Official Code § 42-3505.01(b-1)(2), including attachment of a ledger and an information on
85 emergency rental assistance programs in the District, so tenants know well in advance of
86 potential filings what they owe and how they can receive assistance to pay off the arrearage;

87 (B) Requirinf housing providers to provide court summons to the
88 tenant 30 days before the initial court hearing date, as opposed to 7 days before trial;

89 (B) Requiring housing providers to apply for emergency rental
90 assistance on behalf of the tenant, or initiate the application on behalf of the tenant, notify the
91 tenant of the application in writing, and allow 60 day have elapse unless a eligibility
92 determination is received sooner; and requiring housing providers to give notice to the tenant that
93 meets requirements of District law, including DC Official Code § 42-3505.01(b-1)(2); or

94 (D) Require housing providers to demonstrate that a tenant is not
95 eligible for emergency rental assistance, or that the tenant has not completed their portion of the
96 application, and 60 days have elapsed at the time of filing.

97 (5) To ensure that DC Superior Court is not overwhelmed by eviction cases after
98 October 12, 2021, it is also necessary to prohibit eviction filings for cases not already subject to
99 an exemption under DC Code 16-501(e), or cases not involving non-payment of rent, until
100 January 1, 2022.

101 (6) Currently, housing providers may only file and evict tenants for specific
102 public safety concerns. This exception was adopted by Council on April 6, 2021 and was
103 narrowly tailored to ensure it would not negatively impact public health at a time when
104 occupancy and operating restrictions on businesses were still in place, only 23% of residents
105 were fully or partially vaccinated, and the daily case rate of COVID-19 was above 15 per
106 100,000. Occupancy and operating restrictions on businesses are now lifted, over 60% of
107 residents are fully or partially vaccinated, and the current case rate is below 2 per 100,000. Given

108 these positive indicators, it is necessary to give housing providers additional relief with respect to
109 eviction filings by allowing filings where a tenant has willingly or wantonly caused significant
110 damage to the unit, premises, or property of the housing provider.

111 Sec. 4. This resolution shall take effect immediately.