

A BILL

24-96

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Section 16-1501 of the District of Columbia Official Code to provide that the person aggrieved shall not file a complaint seeking restitution of possession for nonpayment of rent in an amount less than \$600 and to provide that the person aggrieved shall not file a complaint seeking restitution of possession without a current rental housing license; to amend the Rental Housing Act of 1985 to serve a written notice on a tenant before evicting the tenant for nonpayment of rent, to require photographic evidence to be submitted to court if a summons is posted on the property, to require notice in a tenant's primary language if the housing provider knows a tenant speaks a covered language other than English, to prohibit a housing provider from filing a claim to recover possession of a rental unit for the nonpayment of rent unless the housing provider has provided the tenant with at least 30 days' written notice of its right to do so, to specify language that must be included in a nonpayment notice, to require the Court to dismiss claims for possession in certain circumstances, to prohibit eviction if the housing provider does not have a valid rental registration or claim of exemption and current business license, to require the Court to seal certain eviction records, to authorize the Court to seal certain evictions records upon motion by a defendant, to authorize the Court to release sealed eviction records under limited circumstances with privacy protections in place, to require disclosure of certain information prior to requesting information or fees for the purpose of screening a prospective tenant, to limit the fees charged to a prospective tenant, to require a refund of application fees under certain circumstances, to prohibit the use of certain information for the purposes of adverse actions against a prospective tenant; to provide for enforcement of the law through the Office of Human Rights; and to allow a prospective tenant to file a civil action in Superior Court if a housing provider violates this act and the tenant does not pursue administrative enforcement; to amend the Human Rights Act of 1977 to describe types of actions that may be considered unlawful source of income discrimination, to prohibit discrimination in housing based on a person having a sealed eviction record, and to prohibit conditioning real estate transactions and other terms or conditions of housing on disclosure of a sealed eviction record.

38 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
39 act may be cited as the "Eviction Record Sealing Authority and Fairness in Renting Amendment
40 Act of 2022".

41 Sec. 2. **Title 16 of the District of Columbia Official Code is amended as follows:**

42 **Section 16-1501 of the District of Columbia Official Code is amended as follows:**

43 (a) **Section 16-1501 is amended as follows: The existing text is designated as**
44 **subsection (a).**

45 **(1) The existing text is designated as subsection (a).**

46 **(2)** New subsections (b), (c), (d) and (e) are added to read as follows:

47 “(b) The person aggrieved shall not file a complaint seeking restitution of possession
48 pursuant to this section for nonpayment of rent in an amount less than \$600. Nothing in this
49 subsection shall prevent the person aggrieved from filing a complaint to recover the amount
50 owed.

51 “(c)(1) The person aggrieved shall not file a complaint seeking restitution of possession
52 pursuant to this section without a valid rental registration or claim of exemption pursuant to
53 section 205 of the Rental Housing Act, effective July 17, 1985 (D.C. Law 6-10; D.C. Official
54 Code § 42-3502.05), and a current license for rental housing issued pursuant to D.C. Official
55 Code § 47- 2828(c)(1), as certified at the time of filing and documented at the initial hearing.

56 “(2) The Court may waive the requirements for a current license for rental
57 housing in this subsection if the person aggrieved can demonstrate that they were unable to
58 obtain or renew a current rental housing license due to extenuating circumstances, **including**

59 **medical emergencies, agency delays, and circumstances in which a tenant or occupant**
60 **denies permission for a required pre-license inspection or required repairs.**

61 “(3) The requirements of this subsection shall not apply to complaints involving
62 subtenants.

63 “(d) At the initial hearing for any complaint for possession, if the complaint does not
64 allege sufficient facts or the person aggrieved has not produced sufficient documentation to meet
65 all requirements under District law, the Court shall dismiss the complaint.

66 “(e) Subsections (b) and (c) of this section shall not apply to complaints involving
67 commercial tenants.”.

68 **(b) Section 16-1502 is amended to read as follows:**

69 **“§ 16-1502. Service of summons.**

70 **“(a) The summons provided for by section 16-1501 shall be served 30 days, exclusive**
71 **of Sundays and legal holidays, before the day fixed for the initial hearing of the action. If**
72 **the defendant has left the District of Columbia, or cannot be found, the summons may be**
73 **served by delivering a copy thereof to the tenant, or by leaving a copy with some person**
74 **above the age of sixteen years residing on or in possession of the premises, or residing**
75 **thereon, by posting a copy of the summons on the premises where it may be conveniently**
76 **read. If the summons is posted on the premises, a copy of the summons shall be mailed first**
77 **class U.S. mail, postage prepaid, to the premises sought to be recovered, in the name of the**
78 **person known to be in possession of the premises, or if unknown, in the name of the person**
79 **occupying the premises, within 3 calendar days of the date of posting.**

80 **“(b) If a summons is served by posting a copy on the premises, a photograph of the**
81 **posted summons must be submitted to the court. The photograph must have a readable**
82 **timestamp that indicates the date and time when the summons was posted.”.**

83 Sec. 3. Title V of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-
84 10; D.C. Official Code § 42-3505.01 *et seq.*), is amended as follows:

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

86 (1) Subsection (a) is amended to read as follows:

87 “(a)(1) Except as provided in this section, no tenant shall be evicted from a rental unit,
88 notwithstanding the expiration of the tenant's lease or rental agreement, so long as the tenant
89 continues to pay the rent to which the housing provider is entitled for the rental unit; provided,
90 that the nonpayment of a late fee shall not be the basis for an eviction. No tenant shall be evicted
91 from a rental unit for any reason unless the tenant has been served with a written notice which
92 meets the requirements of this section. Notices for all reasons other than for nonpayment of rent
93 shall be served upon both the tenant and the Rent Administrator.

94 “(2) If a notice is served by posting a copy on the premises, a photograph of the
95 posted notice must be submitted to the court. The photograph must have a readable timestamp
96 that indicates the date and time of when the summons was posted.

97 “(3) If the landlord knows the tenant speaks a primary language other than
98 English or Spanish that is covered under the Language Access Act of 2004, effective June 19,
99 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933), the landlord must provide the notice in
100 that language.

101 “(4) The Court shall dismiss a claim brought by a housing provider to recover
102 possession of a rental unit where the housing provider:

103 “(A) Did not provide notice as required by this section;

104 “(B) Filed the claim to recover possession of the rental before the number
105 of days of notice required by this section has elapsed;

106 “(C) In cases where a notice to quit or a summons and complaint are
107 served by posting on the leased premise, failed to provide the Superior Court with photographic
108 evidence of the posted service with a readable timestamp that indicates the date and time of when
109 the notice or summons were posted, or”.

110 “(D) In cases where the landlord knows the tenant speaks a primary
111 language other than English or Spanish that is covered under § 2-1933, failed to provide the
112 notice required by this section in that language.”.

113 (2) A new subsection (a-1) is added to read as follows:

114 “(a-1) (1) A housing provider shall provide the tenant with notice of the housing
115 provider’s intent to file a claim against a tenant to recover possession of a rental unit for the non-
116 payment of rent at least 30 days before filing the claim.

117 “(2) Notice provided to a tenant shall contain the following or substantively
118 similar language:

119 “The total amount of rent owed is [list specific amount due]. A ledger showing
120 the dates of rent charges and payments for the period of delinquency is attached. You have the
121 right to remain in the rental unit if the total balance of unpaid rent is paid in full.

122 “[Name of housing provider] has the right to file a case in court seeking your
123 eviction if you do not pay the balance of unpaid rent in full within 30 days of this notice.

124 “You have the right to defend yourself in court. Only a court can order your
125 eviction. For further help or to seek free legal services, contact the Office of the Tenant Advocate
126 at 202-719-6560 or the Landlord Tenant Legal Assistance Network at 202-780-2575.”

127 (3) Subsection (b) is amended to read as follows:

128 “(b) A housing provider may recover possession of a rental unit when the tenant is
129 violating an obligation of tenancy, other than nonpayment of rent, and fails to correct the
130 violation within 30 days after receiving notice from the housing provider.”

131 (4) A new subsection (r) is added to read as follows:

132 “(r) No tenant shall be evicted from a rental unit unless the housing provider provides
133 documentation to the court at the time of filing a writ of restitution demonstrating that the
134 housing provider has a current business license for rental housing issued pursuant to D.C.
135 Official Code § 47-2828(c)(1), unless the court waived the license requirement. The
136 requirements of this subsection shall not apply to complaints involving subtenants.”.

137 (b) New sections 509 and 510 are added to read as follows:

138 “(a) The Superior Court shall seal all court records relating to an eviction proceeding:

139 “(1) If the eviction proceeding does not result in a judgment for possession in
140 favor of the housing provider, 30 days after the final resolution of the eviction proceeding; or

141 “(2) If the eviction proceeding results in a judgement for possession in favor of
142 the housing provider, 3 years after the final resolution of the eviction proceeding.

143 “(b) For court records relating to an eviction proceeding filed before March 11, 2020, the
144 requirements of subsection (a) of this section shall apply as of January 1, 2022.

145 “(c)(1) The Superior Court shall seal court records relating to an eviction proceeding at
146 any time, upon motion by a tenant, if:

147 “(A) The tenant demonstrates by a preponderance of the evidence that:

148 “(i) The housing provider brought the eviction proceeding because
149 the tenant failed to pay an amount of \$600 or less;

150 “(ii) The tenant was evicted from a unit under any federal or
151 District site-based housing subsidy program, or any federal or District tenant-based housing
152 subsidy program;

153 “(iii) The housing provider’s initiation of eviction proceedings
154 against the tenant was in violation of:

155 “(I) Section 502; or

156 “(II) Section 261 of the Human Rights Act of 1977,
157 effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.61);

158 “(iv) The housing provider failed to timely abate a violation of 14
159 DCMR § 100 et seq. or 12G DCMR 100 et seq. in relation to the defendant tenant’s rental unit;

160 “(v) The housing provider initiated the eviction proceedings
161 because of an incident that would constitute a defense to an action for possession under section
162 501(c-1) or federal law pertaining to domestic violence, dating violence, sexual assault, or
163 stalking; or

164 “(vi) The parties entered into a settlement agreement that did not
165 result in the housing provider recovering possession of the unit; or

166 “(B) The Superior Court determines that there are other grounds justifying
167 such relief.

168 “(2) An order dismissing, granting, or denying a motion filed under this
169 subsection shall be a final order for purposes of appeal.

170 “(3)(A) A copy of an order issued under this subsection shall be provided to the
171 tenant or his or her counsel.

172 “(B) A tenant may obtain a copy of an order issued under this subsection
173 at any time from the Clerk of the Superior Court, upon proper identification, without a showing
174 of need.

175 “(d) Records sealed under this section shall be opened:

176 “(1) Upon written request of the tenant; or

177 “(2) On order of the Superior Court upon a showing of compelling need.”.

178 “(e)(1) The court may release records sealed under this section for scholarly, educational,
179 journalistic, or governmental purposes, upon a balancing of the interests of the tenant for
180 nondisclosure against the interests of the requesting party; provided, that personally identifiable
181 information about the tenant, such as the name and address shall only be disclosed after:

182 “(A) Submission of a written request to the court by a researcher;

183 “(B) Approval by the court through the execution of a written data use
184 agreement that describes the research project;

185 “(C) Documented applicable Institutional Review Board approval;
186 “(D) Provision of documented procedures to protect the confidentiality
187 and security of the information; and
188 “(E) Provision of documented procedures for data storage and the data
189 destruction method to be used for the information provided.”.

190 “(2)(A) Upon receipt of a request and proof of identity, copies of any record
191 sealed under this section shall be provided to the following persons, without the public
192 unsealing of the records and without a showing of need:

193 “(i) The tenant named in the record;

194 “(ii) The tenant’s counsel; and

195 “(iii) An attorney authorized to practice law in the District of
196 Columbia who is considering commencing representation of the tenant; provided, that the
197 person shall:

198 “(I) Certify to the Court’s satisfaction that the tenant
199 has requested consideration for representation and has authorized the attorney’s access to
200 the sealed records; and

201 “(II) Provide the Court with the person’s D.C. bar
202 number or proof of authorization to practice under Rule 49(c) of the District of Columbia
203 Court of Appeals.

204 “(B) A person may request records sealed under this section in person
205 at the Civil Division or by an electronic means designated by the Civil Division.

206 “(C) For purposes of this section, the term “records” shall include any
207 information contained in the docket, including the court docket, pleadings, and orders.

208 “(f) Any agreement pursuant to which personally identifiable information contained in a
209 court record or report is disclosed shall:

210 “(1) Prohibit the re-release of any personally identifiable information without
211 explicit permission from the court;

212 “(2) Require that the information shall be used solely for research or
213 administrative purposes;

214 “(3) Require that the information shall be used only for the project described in
215 the application;

216 “(4) Prohibit the use of the information as a basis for legal, administrative, or any
217 other action that directly affects any individual or institution identifiable from the data;

218 “(5) Set forth the payment, if any, to be provided by the researcher to the court for
219 the specified research project; and

220 “(6) Require that ownership of data provided under the agreement shall remain
221 with the court, not the researcher or the research project.

222 “(g) The Superior Court shall not order the redaction of the tenant’s name from any
223 published opinion of the trial or appellate courts that refer to a record sealed under this section.

224 “(h)(1) Where a housing provider intentionally bases an adverse action taken against a
225 prospective tenant on an eviction court record that the housing provider knows to be sealed
226 pursuant to this section, the prospective tenant may bring a civil action in the Superior Court of

227 the District of Columbia within one year after the alleged violation and, upon prevailing, shall be
228 entitled to the following relief:

229 “(A) Reasonable attorneys’ fees and costs;

230 “(B) Incidental damages; and

231 “(C) Equitable relief as may be appropriate.

232 “(2) For the purposes of this section, the term “adverse action” means:

233 “(A) Denial of a prospective tenant’s rental application; or

234 “(B) Approval of a prospective tenant’s rental application, subject to terms

235 or conditions different and less-favorable to the prospective tenant than those included in any

236 written notice, statement, or advertisement for the rental unit, including written communication

237 sent directly from the housing provider to a prospective tenant.

238 “Sec. 510. Tenant screening.

239 “(a) Before requesting any information or fees from a prospective tenant as a part of

240 tenant screening, a housing provider shall first notify the prospective tenant in writing, or by

241 posting in a manner accessible to prospective tenants:

242 “(1) The amount and purpose of each fee or deposit, whether mandatory or

243 voluntary, that may be charged to a tenant or prospective tenant and whether the fee or deposit is

244 refundable;

245 “(2) The types of information that will be accessed to conduct a tenant screening;

246 “(3) The specific criteria that will result in **automatic** denial of the application;

247 “(4) Any additional criteria that may result in denial of the application;

248 “(5) If a credit or consumer report is used, the name and contact information of
249 the credit or consumer reporting agency and a statement of the prospective tenant’s rights to
250 obtain a free copy of the credit or consumer report in the event of a denial or other adverse
251 action;

252 “(6) The approximate quantity of rental units that will be available for rent over a
253 specified period, by bedroom size and monthly rent, **or if such information is not available, the**
254 **number of rental units that became available for rent each calendar month in the housing**
255 **provider’s prior fiscal year;**

256 “(7) The number of days after receipt of a prospective tenant’s application that the
257 housing provider will respond with an approval or denial decision;

258 “(8) The prospective tenant’s right to dispute any information relied upon by the
259 housing provider that is inaccurately or incorrectly attributed to the prospective tenant or is based
260 upon the housing provider’s use of prohibited criteria, and the right to receive a response from
261 the housing provider regarding any information disputed by the prospective tenant;

262 “(9) The prospective tenant’s right to a refund for any unused application fee; and

263 “(10) The prospective tenant’s right to file a complaint with the Office of Human
264 Rights or pursue civil action via Superior Court if he or she believes the housing provider has
265 violated this section.

266 “(b)(1) A housing provider may require a prospective tenant to pay an application fee.

267 **Such an application fee will be of** no more than \$~~5035~~35.

268 **“(2) The application fee specified in paragraph (1) of this subsection may be**
269 **adjusted annually by the housing provider, or his or her agent, commensurate with an**
270 **increase in the Consumer Price Index for All Urban Consumers published by the United**
271 **States Bureau of Labor Statistics, beginning on January 1, 2024.**

272 “(c) If a housing provider fails to conduct a screening of a prospective applicant for any
273 reason, the housing provider shall refund any application fee paid by the prospective tenant
274 within a reasonable time, not to exceed 14 days.

275 “(d) For the purposes of tenant screening, a housing provider shall not make an inquiry
276 about, require the prospective tenant to disclose or reveal, or base an adverse action on:

277 “(1) Whether a previous action to recover possession from the prospective tenant
278 occurred if the action:

279 “(A) Did not result in a judgment for possession in favor of the housing
280 provider; or

281 “(B) Was filed 3 or more years ago.

282 “(2) Any allegation of a breach of lease by the prospective tenant if the alleged
283 breach:

284 “(A) Stemmed from an incident that the prospective tenant demonstrates
285 may constitute a defense to an action for possession under section 501(c-1) or federal law
286 pertaining to domestic violence, dating violence, sexual assault, or stalking, including records of
287 civil or criminal protection orders sought or obtained by the prospective tenant, or of criminal
288 matters in which the prospective tenant is a witness;

289 “(B) Stemmed from an incident in which the prospective tenant was a
290 victim of a crime in the unit subject to the lease;

291 “(C) Is related to the prospective tenant or household member’s disability;
292 or

293 “(D) Took place 3 or more years ago.

294 “(e)(1) A housing provider shall not base an adverse action solely on a prospective
295 tenant’s credit score or lack thereof, although information within a credit or consumer report
296 directly relevant to fitness as a tenant can be relied upon by a housing provider.

297 “(2) It shall not be considered a violation of this section if a housing provider
298 receives a credit or consumer report containing information that may not be used as the
299 basis of an adverse action pursuant to subsection (d); provided, that the housing provider
300 did not specifically request or inquire about this information and can demonstrate that he
301 or she did not base an adverse action on such information.

302 “(f) If a housing provider takes an adverse action, he or she shall provide a written notice
303 of the adverse action to the prospective tenant no later than the response date provided to the
304 prospective tenant pursuant to (a)(7) of this section that includes:

305 “(1) The specific grounds for the adverse action;

306 “(2) A copy or summary, free of charge, of any information obtained from a third-
307 party that formed a basis for the adverse action; ~~and~~

308 “(3) A statement informing the prospective tenant of his or her right to dispute the
309 accuracy of and permissibility of the housing provider’s use of any information upon which the
310 housing provider relied in making his or her adverse action determination; ~~and;~~

311 “(4) A statement informing the prospective tenant of his or her right to file a
312 complaint with the Office of Human Rights if he or she believes a housing provider violated
313 this section.

314 “(g)(1) After receipt of a notice of an adverse action, a prospective tenant may provide to
315 the housing provider any evidence that information relied upon by the housing provider is:

316 “(A) Inaccurate or incorrectly attributed to the prospective tenant; or

317 “(B) Based upon prohibited criteria under subsection (d) of this section.

318 “(2) The housing provider shall provide a written response, which may be by
319 mail, electronic mail, or in person, to the prospective tenant with respect to any information
320 provided under this subsection within 10 days after receipt of the information from the
321 prospective tenant.

322 “(3) Nothing in this subsection shall be construed to prohibit the housing provider
323 from considering debts owed to a housing authority or any other criteria established in
324 federal law, or from leasing a housing rental unit to other prospective tenants.

325 “(h)(1) A prospective tenant may file a complaint with the Office of Human Rights if he
326 or she believes that a housing provider violated this section. If the Office of Human Rights
327 determines that there is probable cause to believe that a housing provider has knowingly violated
328 this section, the Office of Human Rights shall certify the complaint to the Commission on

329 Human Rights. The Commission on Human Rights may impose the following penalties, of
330 which half shall be awarded to the complainant and half shall deposited into the General
331 Fund of the District of Columbia; ~~which may impose a civil penalty for each violation not~~
332 ~~to exceed \$1,000, half of which shall be awarded to the complainant and half of which shall~~
333 ~~be awarded to the District of Columbia and deposited into the General Fund of the District~~
334 ~~of Columbia.~~

335 “(A) For a housing provider that owns or leases 1 to 10 rental units, a
336 fine of up to \$1,000;

337 “(B) For a housing provider that owns or leases 11 to 19 rental units, a
338 fine of up to \$2,500; and

339 “(C) For a housing provider that owns or leases 20 or more rental
340 units, a fine of up to \$5,000.

341 “(2) The fines set forth in paragraph (1) of this subsection may be doubled
342 for any provider that: subsection (h) of this section may be doubled for any housing
343 provider who violates this section in two or more cases in 24 months or fails to implement a
344 corrective action ordered by the agency within 90 days after the corrective action is
345 ordered.

346 “(A) Violates this section more than twice within a calendar year; or

347 “(B) Fails to implement a corrective action ordered by the
348 Commission on Human Rights within 90 days after the corrective action is ordered.

349 “(3) For any violation that occurs within 6 months of applicable date of the
350 Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022, the
351 Commission on Human Rights shall issue warnings and orders to correct in lieu of
352 penalties. The Commission on Human Rights may impose penalties as provided in this
353 subsection for violations that occur more than 6 months after the applicable date of the act.

354 “(43) The Mayor, pursuant to Title I of the District of Columbia Administrative
355 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.),
356 may issue rules to implement the provisions of this section.

357 “(i)(1) A prospective tenant may bring a civil action in Superior Court against a housing
358 provider who violates this section within one year after the alleged violation; except, that
359 prospective tenant may not pursue a civil action against a housing provider if he or she has filed
360 a complaint with the Office of Human Rights pursuant to subsection (h) of this section.

361 “(2) When a prospective tenant prevails in a civil action brought pursuant to this
362 subsection, he or she shall be entitled to the following relief:

363 “(A) Reasonable attorney’s fees and costs;

364 “(B) Incidental damages; and

365 “(C) Equitable relief as may be appropriate.

366 “(j) For the purposes of this section, the term:

367 “(1) “Adverse action” means:

368 “(A) Denial of a prospective tenant’s rental application; or

369 “(B) Approval of a prospective tenant’s rental application, subject to terms
370 or conditions different and less-favorable to the prospective tenant than those included in any
371 written notice, statement, or advertisement for the rental unit, including written communication
372 sent directly from the housing provider to a prospective tenant.

373 “(2) “Tenant screening” means any process used by a housing provider to
374 evaluate the fitness of a prospective tenant.”.”

375 Sec. 4. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38;
376 D.C. 257 Official Code § 2-1401.01 et seq.), is amended as follows:

377 (a) Section 101 (D.C. Official Code § 2-1401.01) is amended by striking the phrase
378 “source of income” and inserting the phrase “source of income, sealed eviction record” in its
379 place.

380 (b) Section 102 (D.C. Official Code § 2-1401.02) is amended as follows:

381 (1) Paragraph (27B) is redesignated as paragraph (27C).

382 (2) A new paragraph (27B) is added to read as follows:

383 “(27B) “Sealed eviction record” means an eviction record that has been sealed
384 pursuant to section 509 of The Rental Housing Act of 1985, as introduced on February 23, 2021
385 (Bill 243-096).”.

386 (3) Paragraph (29) is amended by striking the phrase “federal payments” and
387 inserting the phrase “federal or District payments” in its place.

388 (c) Section 221 (D.C. Official Code § 2-1402.21) is amended as follows:

389 (1) Subsection (a) is amended by striking the phrase “source of income” and
390 inserting the phrase “source of income, sealed eviction record” in its place.

391 (2) Subsection (a)(5) is amended by striking the phrase “source of income” and
392 inserting the phrase “source of income, sealed eviction record” in its place.

393 (3) A N~~new~~ subsections (g) ~~and (h) are~~ is added to read as follows:

394 “(g) ~~Source of income.~~

395 ~~“(1) It shall be an unlawful discriminatory practice to do any of the acts~~
396 ~~prohibited in subsection (a) or subsection (b) of this section to a prospective tenant seeking~~
397 ~~to rent with the assistance of an income-based housing subsidy based on:~~

398 ~~“(A) Prior rental history involving nonpayment or late payment of~~
399 ~~rent, if the nonpayment or late payment of rent occurred prior to receipt of the income-~~
400 ~~based subsidy;~~

401 ~~“(B) Income level (other than whether or not the level is below a~~
402 ~~threshold as required by local or federal law), credit score, or lack of credit score; and~~

403 ~~“(C) Any credit issues that arose prior to the receipt of the income-~~
404 ~~based subsidy.~~

405 ~~“(2) There shall be a rebuttable presumption that an unlawful~~
406 ~~discriminatory practice has occurred if a housing provider charges a prospective tenant~~
407 ~~any mandatory fees or deposits other than a security deposit and application fee.~~

408 ~~“(3) There shall be a rebuttable presumption that an unlawful~~
409 ~~discriminatory practice has occurred if a housing provider denies a rental application from~~

410 ~~a tenant that meets their posted selection criteria and the same rental unit was offered to an~~
411 ~~applicant who is not of a protected class and who submitted their application one or more~~
412 ~~days later than the rejected applicant.~~

413 ~~“(h)~~ Sealed eviction records.

414 “(1) It shall be an unlawful discriminatory practice to do any of the acts prohibited
415 in subsection (a) or subsection (b) of this section based on information contained within a sealed
416 eviction record or the actual knowledge or belief that a person has a sealed eviction record.”.

417 “(2) It shall be an unlawful discriminatory practice to inquire about the
418 existence of or content of a sealed eviction record in connection with, or to require a person
419 to disclose a sealed eviction record as a condition of:

420 “(A) Entering into any transaction in real property;

421 “(B) Inclusion of any clause, condition, or restriction in the terms of a
422 transaction in real property;

423 “(C) Appraisal of a property, agreement to lend money, guarantee a loan,
424 purchase a loan, accept residential real property as security for a loan, accept a deed of trust or
425 mortgage, or otherwise make funds available for the purchase, acquisition, construction,
426 alteration, rehabilitation, repair, or maintenance of real property; or to provide title or other
427 insurance relating to ownership or use of any interest in real property;

428 “(D) Access to facilities, services, repairs, or improvements for a tenant or
429 lessee; or

430 “(E) Access to, or membership or participation in any multiple-listing
431 service, real estate brokers’ organization or other service, organization, or facility relating to the
432 business of selling or renting residential real estate, including in terms or conditions of access,
433 membership or participation in any such organization, service, or facility.”.

434 Sec. 4a. Subchapter Two of Chapter 16 of An Act To establish a code of law for the
435 District of Columbia, approved March 3, 1901 (31 Stat. 1271, D.C. Official Code § 42-801 et
436 seq.), is amended by adding a new section 539e to read as follows:

437 “Sec. 539e. Requirement for deed before action against current occupant of foreclosed
438 property.

439 “(a) No purchaser from a foreclosure auction or other auction shall issue a notice to quit
440 or otherwise initiate an action for possession, ejectment, or their equivalents, or charge rent, fair
441 use and occupancy, or their equivalents, against a current occupant unless a deed transfers the
442 property to the purchaser and the deed is recorded at the Recorder of Deeds.

443 “(b) This section does not alter the rights of tenants whose tenancies survive
444 foreclosure.”.

445 Sec. 4b. Section 501(s) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C.
446 Law 6-10; D.C. Official Code § 42-3505.01(s)), is repealed.

447 Sec. 4c. Section 3(b)(6) of the Tenant Safe Harbor Temporary Amendment Act of 2021,
448 passed on 2nd reading on December 7, 2021 (Enrolled version of Bill 24-469), is repealed.

449 Sec. 5. Applicability.

450 (a) Amendatory section 510(a)(10), (f)(4) and (h) of the Rental Housing Act of 1985,
451 passed on ~~2nd~~^{1st} reading on March 1~~January 4~~, 2022 (~~Engrossed~~ Enrolled version of Bill 24-
452 96), in section 3 shall apply upon the date of inclusion of its fiscal effect in an approved budget
453 and financial plan.

454 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
455 an approved budget and financial plan and provide notice to the Budget Director of the Council
456 of the certification.

457 (c)(1) The Budget Director shall cause notice of the certification to be published in the
458 District of Columbia Register.

459 (2) The date of the publication of the notice of the certification shall not affect the
460 applicability of this act.

461 Sec. 6. Fiscal impact statement.

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

465 Sec. 7. Effective date.

466 This act shall take effect following approval by the Mayor (or in the event of veto by the
467 Mayor, action by Council to override the veto), a 30-day period of congressional review as
468 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
469 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
470 Columbia Register.