



Chairman Phil Mendelson

**AN AMENDMENT**

Bill 24-120, "Emergency Rental Assistance Reform and Career Mobility Action Plan  
Program Establishment Amendment Act of 2022"

*(Engrossed Version)*

December 19, 2022

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**(a) Section 101(b), on lines 57 and 58, is amended to read as follows:**

"(b) Emergency Rental Assistance Funds shall not be paid to the applicant unit but, instead, directly to a vendor providing a service to the applicant unit **or into the court registry.**"

**Rationale:** Currently, when a tenant's emergency rental assistance program (ERAP) application is approved, most providers distribute the funds directly to housing providers. For tenants asserting housing conditions as defenses or counterclaims in their eviction cases, this often results in a collateral consequence, as receipt of the funds may result in dismissal of the case. This means that the tenant cannot get the court to order repairs or reduce the amount of rent owed because of the conditions. This amendment would allow for approved ERAP payments to be deposited into the court registry, ensuring that distribution of ERAP funds does not result in tenant's cases being dismissed before repairs are ordered by the court.

**(b) A new section 102 is added to Title I to read as follows:**

"Sec. 102. Section 501 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3505.01) is amended by adding a new subsection (r) to read as follows:

**"(r)(1) The court shall stay any proceedings for a claim brought by a housing provider to recover possession of a rental unit for non-payment of rent if a tenant submits documentation to the court demonstrating that he or she has a pending Emergency Rental Assistance Program application. Proceedings shall be stayed until the until a determination of funding has been made and funding has been distributed to the housing provider, if the application is approved.**

**"(2) When an eviction that involves non-payment of rent has been authorized by the court and a tenant notifies the housing provider that he or she has a pending Emergency Rental Assistance Program application no later than 48 hours prior to the scheduled date and time of the eviction, the housing provider shall reschedule the eviction for a date no earlier than 3 weeks from the current scheduled eviction date allow for the application to be processed, a determination of funding to be made, and funding distributed to the housing provider, if the application is approved. Any further stay**

**or rescheduling of the eviction date may only be granted by order of Superior Court or by agreement of the housing provider.”.**

**Rationale:** The purpose of ERAP is to provide rental assistance to low-income households that are facing an emergency or crisis situation, including an eviction. In the Committee Print and Engrossed Version of Bill 24-120, there is no language that would protect a tenant from eviction if they have a pending ERAP application. This amendment addresses this gap in the bill by requiring the court to stay proceedings when they are notified that a tenant has a pending application and requiring housing providers to reschedule an eviction if they are notified by the tenant that the tenant has a pending ERAP application. This ensures tenants are adequately protected while they wait to hear whether they have been approved for ERAP funds.