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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency due to congressional review, with respect to clarifying that the Office of the Attorney General is authorized to petition the Superior Court to issue temporary or permanent injunctions against housing providers that violate certain consumer protection laws that protect tenants.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “At-Risk Tenant Protection Clarifying Congressional Review Emergency Declaration Resolution of 2017”.

Sec. 2. (a) By bringing enforcement actions or investigations under the District of Columbia Consumer Protection Procedures Act, D.C. Code § 28-3901, *et seq.* (CPPA), the District government is increasingly looking to protect tenant-consumers from unscrupulous housing providers that fail to live up to their obligations.

(1) The CPPA provides the Attorney General with flexible enforcement tools to address problem housing providers, including the ability to enjoin bad conduct, recover restitution for tenant-consumers forced to live in substandard conditions, and penalties to deter future violations.

(2) For instance, in one pending case in the Superior Court of the District of Columbia, the Attorney General is using the CPPA to try and recover, among other remedies, past rent paid by consumers forced by their housing provider to allegedly live in slum-like conditions.

1 (b) However, there remains the possibility that a District of Columbia Court might
2 question whether the District has authority to bring a CPPA enforcement action in the landlord-
3 tenant arena.

4 (1) This concern is due to language in the CPPA that prevents the Department of
5 Consumer and Regulatory Affairs (DCRA) from applying the CPPA to “landlord-tenant
6 relations.” D.C. Code § 28-3903(c)(2)(A).

7 (2) Even though this exclusion, by its express terms, only applies to DCRA, a
8 Court might nevertheless wrongly interpret that provision to foreclose an enforcement action
9 brought by the Attorney General under the CPPA.

10 (3) Finally, other available enforcement tools do not provide the full range of
11 flexible relief available under the CPPA, such as the potential to recover past rent for a large
12 group of consumers or penalties to deter future bad acts.

13 (c) There are active CPPA enforcement cases and non-public investigations in the
14 landlord-tenant arena that could be jeopardized by a wrong interpretation of the CPPA’s
15 landlord-tenant exclusion. It is therefore necessary to clarify that the Attorney General may
16 enforce the CPPA in the area of landlord-tenant relations.

17 (d) Therefore, there exists an immediate need to clarify existing law on an emergency
18 basis so that current District tenants that might be helped by the Attorney General’s active
19 enforcement in this area are not potentially robbed of the full protections due them under District
20 law.

21 Sec 3. The Council of the District of Columbia determines that the circumstances
22 enumerated in section 2 constitute emergency circumstances making it necessary that the At-

- 1 Risk Tenant Protection Clarifying Congressional Review Emergency Amendment Act of 2017
- 2 be adopted after a single reading.
- 3 Sec 3. This resolution shall take effect immediately.