

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION**  
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

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TO: Chairman Phil Mendelson  
FROM: Councilmember Anita Bonds   
RE: Request to Agendize Measures for the June 9, 2020 Legislative Meeting  
DATE: June 4, 2020

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I am writing to request that the following emergency measures and proposed resolutions be placed on the agenda for the Legislative Meeting scheduled on June 9, 2020.

### **Emergency Legislation**

- “Condominium Warranty Claims Clarification Congressional Review Emergency Declaration Resolution of 2020”
- “Condominium Warranty Claims Clarification Congressional Review Emergency Amendment Act of 2020”
- “Coronavirus Support Tenant Payment Plans Technical Corrections Emergency Declaration Resolution of 2020”
- “Coronavirus Support Tenant Payment Plans Technical Corrections Emergency Amendment Act of 2020”
- “Coronavirus Support Tenant Payment Plans Technical Corrections Temporary Amendment Act of 2020”

### **Condominium Warranty Claims Clarification Congressional Review**

This measure would amend the Condominium Act of 1976 to clarify standards and procedures governing the resolution of a claim for a condominium developer’s warranty against structural defects, that a claimant may appeal the findings of the Mayor to the Office of Administrative Hearings, and the circumstances when the Mayor may release the warranty security funds to the claimant.

On February 4, 2020, the Council passed the Condominium Warranty Claims Clarification Emergency Amendment Act of 2020, effective February 27, 2020 (D.C. Act 23-231; 67 DCR 2510), which expired on May 27, 2020. On March 3, 2020, the Council passed the Condominium Warranty Claims Clarification Emergency Amendment Act of 2020, enacted on March 26, 2020 (D.C. Act 23-273; 67 DCR 3938), which is projected to become law on June 8, 2020.

In order to prevent a gap in the law between the expiration of the emergency legislation and the effective date of the temporary legislation, it is necessary to approve congressional review emergency legislation.

### **Coronavirus Support Tenant Payment Plans Technical Corrections**

These measures would amend A23-0326, the Coronavirus Support Emergency Amendment Act of 2020, B23-0758, the Coronavirus Support Temporary Amendment Act of 2020, and B23-0759, the Coronavirus Support Congressional Review Emergency Amendment Act of 2020 to make certain technical corrections to Section 402 “Tenant payment plans”.

- **Other monetary amounts due under the lease** – Subsection (a)(4) refers to tenants not losing rights with respect to “monetary amounts due during the lease period.” Assuming the intent is to refer to other monetary amounts due besides gross rent, the language is clarified by adding any such amounts into the repayment agreement. The same language is in section (g) to make that section parallel.
- **Preservation of other tenant (and housing provider) rights** – Section (g) makes clear that housing providers retain their right to sue a tenant for eviction or collection if they default on a payment plan. Section (a)(4) is rewritten to make clear that tenants retain all other rights under the lease.
- **Tenant not qualifying for unit** – Based on a compromise between housing provider and tenant stakeholders regarding the deletion of language in subsection (d)(1) about tenants having to show they no longer qualify for their unit, at the May 5th legislative session an oral amendment was made and accepted with the compromise language. However, the concerning language appears to have inadvertently returned in the May 19th bills and is corrected here.
- **Scope of administrative review** – The language in section (f) on the administrative review of a challenge to a housing provider’s denial may be read as limiting the scope of review. The added language makes clear that the review can include a) a housing provider’s failure to act on an application, 2) a housing provider offering terms that are unreasonable or made in bad faith, and c) a housing provider not complying with any provision of the section.

Please contact Barry Weise, Legislative Director, at [bweise@dccouncil.us](mailto:bweise@dccouncil.us) or (202) 724-8171, if you have any questions.

cc: Members, Council of the District of Columbia  
Office of the Secretary  
Office of the General Counsel  
Office of the Budget Director  
Mayor’s Office of Policy and Legislative Affairs