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12 A PROPOSED RESOLUTION

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19 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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24 To declare the existence of an emergency with respect to the need to reform the Emergency
25 Rental Assistance Program to aid tenants in the District during and after the COVID-19
26 pandemic.

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28 RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
29 resolution may be cited as “Emergency Rental Assistance Reform Emergency Declaration
30 Resolution of 2020.”

31 Sec. 2. (a) On March 11, 2020, the Mayor of the District of Columbia issued Mayor’s
32 Order 2020-45, 2020-46, declaring a public emergency and a public health emergency in the
33 District due to the imminent threat to the health, safety, and welfare of District residents posed
34 by the spread of COVID-19.

35 (b) The COVID-19 pandemic has led to widespread unemployment and loss of income,
36 particularly in the leisure and hospitality industries, due to business closures. As of August 2020,

37 data from the Bureau of Labor Statistics shows that the unemployment rate in D.C. is 8.5%, and
38 nearly 40% of all adults in the District report that their household has lost employment income
39 since March 13th.

40 (c) The jobs and income of renters in the District have been impacted by the COVID-19
41 pandemic. The Census Bureau's Household Pulse Survey shows that approximately 40% of all
42 adults in renter households are currently unemployed, and nearly 43% of all adults in renter
43 households report that the household has lost employment income. In part due to job and income
44 loss, 13% of renter households report that they have fallen behind on their rent payments. The
45 financial strain that these households are facing will not dissipate in the near future, and other
46 households may face similar circumstances on the likely long road to economic recovery.

47 (d) The Emergency Rental Assistance Program (ERAP) was created in 2007 to assist
48 low-income residents facing housing emergencies due to inability to pay overdue rent, a security
49 deposit, or first month's rent.

50 (e) Currently residents may only be eligible for ERAP if someone in the household is
51 under the age of 18, a senior, or disabled, and their income in the last 30 days cannot exceed
52 125% of the federal poverty level as established by the U.S. Department of Health and Human
53 Services. Additionally, tenant advocates have noted that many of their clients have had to
54 provide unnecessary paperwork that makes it difficult for low-income residents to receive ERAP
55 funds.

56 (f) Recognizing the need for rental assistance, the Council substantially increased the
57 fiscal year 2021 budget for the ERAP program.

58 (g) To ensure that more tenants are able to apply for assistance, it is necessary to adjust
59 the eligibility criteria and documentation requirements for ERAP, including increasing the

60 income threshold to 40% of area median income, removing requirements that a member of the
61 household be under the age of 18, a senior, or disabled, and streamlining the documentation
62 requirements for residents to be eligible.

63 (h) The current ERAP rules also cap the amount of money an applicant can receive for
64 rent arrearages to a maximum of \$4,250 unless they meet certain narrow criteria. This maximum
65 amount comes to \$850 a month for the maximum five months of back rent, less than half of the
66 median monthly rent for a one-bedroom apartment in the District according to analysis of August
67 2020 listings by Zumper.

68 (i) To ensure that ERAP assistance payments can account for true rental costs, it is
69 necessary to increase the maximum amount for rent arrearages to the applicable fair market rent
70 for the Washington-Arlington-Alexandria Metropolitan area based on unit size and zip code. It is
71 also necessary to give the Department of Human Resources the discretion to waive the five-
72 month cap during, and for a certain period of time after, public health emergencies such as the
73 current one.

74 Sec. 3. The Council of the District of Columbia determines that the circumstances in
75 section 2 constitute emergency circumstances, making it necessary that the “Emergency Rental
76 Assistance Reform Emergency Amendment Act of 2020” be adopted after a single reading.

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