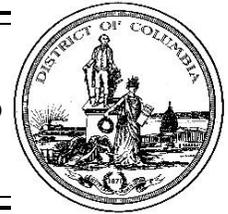

**OFFICE OF AT-LARGE COUNCILMEMBER ANITA BONDS
CHAIR, COMMITTEE ON HOUSING & NEIGHBORHOOD
REVITALIZATION**



February 12, 2020

Johanna Shreve
Chief Tenant Advocate
Office of the Tenant Advocate
2000 14th Street, NW, Suite 300 North
Washington, DC 20009

Dear Chief Tenant Advocate Shreve:

The annual performance hearing for the Office of the Tenant Advocate is scheduled for **March 5, 2021, beginning at 9:00 AM**. The hearing will be held virtually due to the COVID-19 public health emergency. The government witness(es) for the agency will testify following public testimony. Please plan to arrive in time to listen to the entirety of the public testimony presented with respect to the agency.

Written pre-hearing questions for your agency are attached. So that I may make effective use of your responses, please provide **two hard copies** of your responses as well as an electronic version in Microsoft Word format **by the close of business on March 1, 2021**.

If you feel that I could use additional information outside the scope of the attached questions, please feel free to include an additional written statement. If your office requires clarification of any of the attached questions, please contact the Committee Director, Ram Uppuluri, at rappuluri@dccouncil.us. Thank you in advance for your timely and comprehensive response.

Sincerely,

A handwritten signature in black ink, appearing to read "ANITA BONDS".

Anita Bonds
At-Large Councilmember
Chairperson, Committee on Housing and Neighborhood Revitalization

PERFORMANCE OVERSIGHT QUESTIONS

General Questions

1. Please provide a current organizational chart for the agency, including the number of vacant, frozen, and filled positions in each division or subdivision. Include the names and titles of all senior personnel and note the date that the information was collected on the chart.
 - a) Please provide an explanation of the roles and responsibilities of each division and subdivision and how each role and/or responsibility contributes to the mission of the agency.

Response:

See Attachment #1 for Q#1a “*OTA Organizational Chart*”

Administrative Branch:

The OTA's role in non-programmatic activities is to ensure that all administrative activities related to the Agency are implemented. The responsibilities include: human resource development, contract and procurement, property management, information technology, budget creation, financial services, risk management, communications, customer service, language access, small and local business compliance monitoring and public relations, rapid response, eviction maintenance, and distribution, and review of all single-family TOPA actions.

Legal Branch:

The role of the OTA's Legal Branch is to provide legal services to District tenants in two major categories: in-house legal clinic and litigation.

Within the legal clinic, OTA's role includes operating a Tenant Phone Hotline and Tenant Center, and to advise tenants and tenant organizations on filing complaints and petitions, including petitions in response to disputes with landlords.

Within the litigation arena, OTA's role is to represent tenants at its discretion and as it determines to be in the public interest, in Federal or District judicial or administrative proceedings.

Policy Branch:

The role of the OTA Policy Branch is to serve as a voice for the renter community by representing the interests of tenants and tenant organizations in the legislative, executive, and judicial contexts. Responsibilities include (a) advocating for statutory and regulatory changes as necessary to fill gaps in the District's system of tenant protections; (b) engaging in judicial advocacy on consequential matters of statutory and regulatory interpretation; and (c) tracking, monitoring, and apprising stakeholders of legal and policy developments at the both the District and federal levels.

Education & Outreach Branch:

The role of the OTA's Education and Outreach Branch is to create and operate a platform to educate and inform the tenant community on tenant protections in the District. The responsibilities include: holding monthly Renter's Rights 101 presentations, developing new materials to educate the public and strategize and plan for the Annual Tenant Summit.

Emergency Housing:

The Emergency Housing Assistance Program's role is to meet the needs of tenants who find themselves displaced by disasters such as fires or government closures without renter's insurance by placing them in temporary housing and connecting them to DHS staff that can assess their needs and link them to necessary services. In addition to providing temporary housing, we provide moving and storage for up to 60 days. (TT)

- b) Please provide a narrative explanation of any changes to the organizational chart made during the previous year.

Response: There have been no changes to the OTA Organizational structure since last fiscal year.

- c) Please provide your most current strategic plan and identify each goal and strategy. Explain how each division and subdivision contributes to that plan.

Response: N/A

- 2. Please provide a current Schedule A for the agency which identifies each position by program and activity, with the employee's title/position, salary, fringe benefits, and length of time with the agency. Please note the date that the information was collected. The Schedule A should also indicate if the position is continuing/term/temporary/contract or if it is vacant or frozen. Please separate salary and fringe and indicate whether the position must be filled to comply with federal or local law.

Response: See Attachment #2 for Q#2 "OTA Schedule A"

- 3. Please list all employees detailed to or from your agency. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee's projected date of return.

Response: N/A

4. Please provide the Committee with:

- a) A list of all employees who received or retained cellphones, personal digital assistants, notebooks, laptops, iPads or similar communications devices at agency expense during any part of FY20 and FY21, to date; and the annual cost to the agency for each device;

Response:

Fiscal Year '20	
Johanna Shreve	Cell Phone
Tamela Tolton	Cell Phone
Ramona Quillet	Cell Phone
Johan Fatemi	Cell Phone
Shavannie Braham	Cell Phone
Harrison Magy	Cell Phone
Stephen Dudek	Cell Phone
Amir Sadeghy	Cell Phone
Umar Ahmed	Cell Phone
Manuel Bolanos	Cell Phone
Christopher Lucas	Cell Phone
Cynthia Houser	Cell Phone
Sean Treanor	Cell Phone
Horace Lassiter	Cell Phone
Jocelyn Reyes	Cell Phone
Dennis Taylor	Cell Phone
Joseph Trimboli	Cell Phone
Cristobal Puig	Cell Phone

Fiscal Year '21	
Johanna Shreve	Cell Phone and Laptop
Tamela Tolton	Cell Phone and Laptop
Ramona Quillet	Cell Phone and Laptop
Johan Fatemi	Cell Phone and Laptop
Shavannie Braham	Cell Phone and Laptop
Harrison Magy	Cell Phone and Laptop
Nicole McEntee	Cell Phone and Laptop
Amir Sadeghy	Cell Phone and Laptop
Umar Ahmed	Cell Phone and Laptop
Manuel Bolanos	Cell Phone and Laptop
Christopher Lucas	Cell Phone and Laptop
Cynthia Houser	Cell Phone and Laptop
Sean Treanor	Cell Phone and Laptop
Horace Lassiter	Cell Phone and Laptop
Dennis Taylor	Cell Phone and Laptop
Cristobal Puig	Cell Phone and Laptop
Joseph Trimboli	Cell Phone and Laptop
Nayonna Boyd	Cell Phone and Laptop

Approximate cost per cell phone for FY20: \$1,373.
Approximate cost per cell phone for FY21 to date: \$205.
Approximate cost per laptop: N/A.

- b) A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned, as well as a description of all vehicle accidents involving the agency's vehicles in FY20 and FY21, to date;

Response: N/A

- c) A list of travel expenses and reimbursements, arranged by employee for FY20 and FY21, to date, including the justification for travel; and

Response: N/A

- d) A list of the total workers' compensation payments paid in FY20 and FY21, to date, including the number of employees who received workers' compensation payments, in what amounts, and for what reasons.

Response: N/A

- 5. For FY20 and FY21, to date, what was the total cost for mobile communications and devices, including equipment and service plans?

Response: See Attachment #3 for Q#5 "*FY 2020 - FY 2021 Mobile Communications*"

- 6. For FY20 and FY21, to date, please detail all intra-District transfers to or from the agency.

Response: See Attachment #4 for Q#6 "*List of Intra-District Transfers*"

- 7. For FY20 and FY21, to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide:
 - a) The revenue source name and code;
 - b) The source of funding;
 - c) A description of the program that generates the funds;
 - d) The amount of funds generated by each source or program;
 - e) Expenditures of funds, including the purpose of each expenditure; and
 - f) The current fund balance.

Response: See Attachment #5 for Q#7 "*Special Purpose Revenue Funds*"

- 8. For FY20 and FY21, to date, please list any purchase card spending by the agency, the employee making each expenditure, and the general purpose for each expenditure.

Response: See Attachment #6 for Q#8 "*Fiscal Year 2020 - 2021 Purchase Card Spending*"

- 9. Please list all memoranda of understanding ("MOU") entered into by your agency during FY20 and FY21, to date, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date.

Response: See Attachment #7 for Q#9 "*List of Memoranda of Understanding (MOUs)*"

10. Please list the ways, other than MOU, in which the agency collaborated with analogous agencies in other jurisdictions, with federal agencies, or with non-governmental organizations in FY20 and FY21, to date.

Response: The OTA fields inquiries from other jurisdictions on a fairly regular basis about the District's tenant protection laws and the OTA as a model agency. Typical inquiries include the DC's tenant right of purchase and the DC Tenant Bill of Rights.

11. Please provide a table showing your agency's Council-approved original budget, revised budget (after reprogrammings, etc.), and actual spending, by program and activity, for FY19, FY20, and the first quarter of FY21.
- For each program and activity, please include total budget and break down the budget by funding source (federal, local, special purpose revenue, or intra-district funds).
 - Include any over- or under-spending. Explain any variances between fiscal year appropriations and actual expenditures for FY20 and FY21 for each program and activity code.
 - Attach the cost allocation plans for FY20 and FY21.
 - In FY20 or FY21, did the agency have any federal funds that lapsed? If so, please provide a full accounting, including amounts, fund sources (e.g. grant name), and reason the funds were not fully expended.

Response: See the following attachments:

- **Attachment #8 for Q#11 "*Fiscal Year 2019 Budget and Actual Expenditures*"**
- **Attachment #9 for Q#11 "*Fiscal Year 2020 Budget and Actual Expenditures*"**
- **Attachment #10 for Q#11 "*Fiscal Year 2021 Budget and Actual Expenditures YTD*"**
- **Attachment #11 for Q#11 "*Fiscal Year 2020-2021 NPS Spending Plan*"**

12. Please provide as an attachment a chart showing the agency's federal funding and expenditures by program for FY19, FY20 and FY21, to date.

Response: N/A

13. With respect to capital projects, please provide:
- A list of all capital projects in the financial plan.
 - For FY19, FY20, and FY21, an update on all capital projects under the agency's purview, including a status report on each project, the timeframe for project completion, the amount budgeted, actual dollars spent, and any remaining balances, to date.
 - An update on all capital projects planned for FY21, FY22, FY23, FY24, and FY25.
 - A description of whether the capital projects begun, in progress, or concluded in FY19, FY20, or FY21, to date, had an impact on the operating budget of the agency. If so, please provide an accounting of such impact.

Response: See Attachment #12 for Q#13 "*Capital Projects*"

14. Please provide a list of all budget enhancement requests (including capital improvement needs) for FY20 and FY21, to date. For each, include a description of the need and the amount of funding requested.

Response: See Attachment #13 for Q#14 "*Enhancement Requests*"

15. Please list, in chronological order, each reprogramming request and each reprogramming in FY20 and FY21, to date, that impacted the agency, including those that moved funds into the agency, out of the agency, and within the agency. Include the revised, final budget for your agency after the reprogrammings for FY20 and FY21, to date. For each reprogramming, list the date, amount, rationale, and reprogramming number.

Response: See Attachment #14 for Q#15 “List of Reprogramming Actions for Local Funds”

16. Please list each grant or sub-grant received by your agency in FY20 and FY21, to date. List the date, amount, source, purpose of the grant or sub-grant received, and amount expended.

a) How many FTEs are dependent on grant funding? What are the terms of this funding? If it is set to expire, what plans, if any, are in place to continue funding the FTEs.

Response: N/A

17. Please list each contract, procurement, and lease, entered into, extended, and option years exercised by your agency during FY20 and FY21, to date. For each contract, please provide the following information, where applicable:

a) The name of the contracting party;

b) The names of the individual principals constituting that contracting party;

c) The nature of the contract, including the end product or service;

d) The dollar amount of the contract, including amount budgeted and amount actually spent;

e) The term of the contract;

f) Whether the contract was competitively bid and/or the explanation for it being non-competitive or sole source;

g) The name of the agency’s contract monitor and the results of any monitoring activity; and

h) The funding source.

Response:

FY20 Acquisitions							
Contracting Party	Individual Principal	End Product	Amount	Term	Bid	Monitor	Source
Westlaw	Jared Underberg	Legal Reference	\$13,950	1/27/20	N/A	Tamela Tolton	Local
American Business Solutions	Duane King	Office Supplies	\$16,000	3/11/20	Yes	Tamela Tolton	Local
Campbell & Company	Wendy Campbell	Marketing, Media, PR	\$50,000	8/27/20	Option Year 1	Tamela Tolton	Local
Innovation Horizons, LLC	Gregory Downing	Rent Control Database Design	\$980,000	9/2/20	Yes	Tamela Tolton	Capitol

FY21 Acquisitions							
Contracting Party	Individual Principal	End Product	Amount	Term	Bid	Monitor	Source
Westlaw	Jared Underberg	Legal Reference	\$15,200	2/25/21	N/A	Tamela Tolton	Local
TBD	TBD	Office Supplies	\$8,500	Requisition	Yes	Tamela Tolton	Local
Innovation Horizons, LLC	Gregory Downing	Rent Control Database Design	\$980,000	9/2/20	Yes	Tamela Tolton	Capitol
TBD	TBD	Printer/Copier	\$19,766	Requisition	Yes	Tamela Tolton	Local

18. Please list all pending lawsuits that name the agency as a party. Identify which cases on the list are lawsuits that potentially expose the District to significant financial liability or will result in a change in agency practices, and describe the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success. For those identified, please include an explanation about the issues involved in each case.

Response: There is one relevant matter.

The Agency is involved in on-going litigation by an employee who was terminated on February 21, 2012. After losing in Federal Court, the terminated employee filed a similar case on April 7, 2017 with the DC Office of Employee Appeals (OEA). The OEA judge dismissed the case on October 13, 2017 on res judicata grounds. The terminated employee filed an appeal of the OEA decision on November 3, 2017 in DC Superior Court.

On October 9, 2019, the Superior Court judge affirmed the OEA decision, in part, and reversed the OEA decision, in part. Specifically, the judge remanded the matter to OEA solely to determine whether OTA's February 24, 2012 Written Summary Removal Notice contained facts to support the termination.

On October 24, 2019, the Agency filed a motion for reconsideration, stating that binding DC Court of Appeals precedent does bar the terminated employee's claims in their entirety. On October 30, 2019, the terminated employee opposed the motion.

On November 4, 2019, the terminated employee noticed an appeal of the October 9, 2019 Superior Court decision. On January 6, 2020, the DC Court of Appeals issued an order, holding the appeal in abeyance until Superior Court ruled on the Agency's October 24, 2019 Motion.

On June 18, 2020, the OEA conducted a hearing on the issue that had been remanded on October 9, 2019. The OEA judge issued a decision on August 12, 2020. The OEA judge upheld OTA's action of summarily removing the employee. Rather than appealing that decision to Superior Court, the employee filed a "Motion for Judicial Review of Initial Decision on Remand" in Superior Court. On October 27, 2020, the Superior Court judge denied that motion.

On November 13, 2020, the terminated employee filed a motion for reconsideration in Superior Court, urging reconsideration of the October 27, 2020 denial of the "Motion for Judicial Review of Initial Decision on Remand." On December 14, 2020, that motion was denied. On

December 21, 2020, the terminated employee filed a motion to reconsider the December 14, 2020 denial of the November 13, 2020 motion for reconsideration.

Meanwhile, on December 9, 2020, OTA filed a motion in the DC Court of Appeals, asking that the terminated employee's November 4, 2019 appeal be dismissed as having been taken from a non-final order. On January 22, 2021, the DC Court of Appeals dismissed the terminated employee's appeal.

The matter is currently pending.

19. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY20 or FY21, to date, and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.)

Response: N/A

20. Please list the administrative complaints or grievances that the agency received in FY20 and FY21, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY20 or FY21, to date, describe the resolution.

Response: N/A

21. Please describe the agency's procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees. List and describe any allegations received by the agency in FY20 and FY21, to date, whether or not those allegations were resolved.

Response: OTA's Sexual Harassment Officer (SHO) will follow these procedures for investigating allegations of sexual harassment or misconduct:

- 1. Take a verbal statement and make notes of the allegation in a private meeting;**
- 2. Request a detailed written statement from the accuser of all allegations including any witnesses that may have relevant information;**
- 3. Meet privately with any potential witnesses;**
- 4. Meet in private with the accused, request a detailed written statement as well as an oral statement that would be noted by the SHO;**
- 5. Prepare a formal written report referencing any evidence and or witnesses;**
- 6. Transfer to Director and GC the report, copies of evidence and witness statements, other notes and information.**

There have been no allegations received by the agency in FY20 and FY21 to date.

22. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency, or any investigations, studies, audits, or reports on the agency or any employee of the agency that were completed during FY20 and FY21, to date.

Response: N/A

23. Please describe any spending pressures or any reimbursements pursuant to contract or other obligations where remitting reimbursement exceeded thirty (30) days the agency experienced in FY20 and any anticipated spending pressures for the remainder of FY21. Include a description of the pressure and the estimated amount. If the spending pressure was in FY20, describe how it was resolved, and if the spending pressure is in FY21, describe any proposed solutions.

Response: See Attachment #15 for Q#23 “Spending Pressures”

24. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or contracted for during FY20 and FY21, to date. Please state the status and purpose of each. Please submit a hard copy to the Committee if the study, research paper, report, or analysis is complete.

Response: N/A

25. Provide a list of all publications, brochures and pamphlets prepared by or for the agency during FY20 and FY21 to date.

Response:

- a. Revised OTA’s “COVID-19 State of Emergency: Tenant Rights & Resources”
- c. Revised OTA’s “COVID-19 Rental Assistance Programs”
- d. Revised OTA’s “Emergency Rental Assistance Resources Guide.”
- e. Revised PowerPoint “Renters’ Rights 101 – English”
- f. Revised PowerPoint “Renters’ Rights 101 – Spanish”
- g. Revised PowerPoint “Renters’ Rights 101 during the Public Health Emergency – English”
- h. Revised PowerPoint “Renters’ Rights 101 during the Public Health Emergency – Spanish”
- i. Revised PowerPoint “Teamwork Makes the Dreamwork.”
- j. OTA Flyers – No rent increase during the PHE
- k. OTA Flyers – No evictions during the PHE
- l. OTA Flyers – Self-help evictions are unlawful
- m. OTA Flyers – To be used at food distribution locations.
- n. Article – A Hidden Bane to DC Tenants: Joint and Several Liability

26. Please provide a copy of the agency’s FY20 performance plan. Please explain which performance plan objectives were completed in FY20 and whether they were completed on time and within budget. If they were not, please provide an explanation.

Response: N/A

27. Please provide a copy of your agency’s Strategic Plan for FY20 and FY21.

Response: N/A

28. Please provide the number of FOIA requests for FY20 and FY21, to date, that were submitted to your agency. Include the number granted, partially granted, denied, and pending. In addition, please provide the average response time, the estimated number of FTEs required to process requests, the estimated number of hours spent responding to these requests, and the cost of compliance.

Response: For FY20, seven requests were submitted. One request was granted in full, and the other request was granted in part and denied in part under D.C. Code §§ 2-534(a)(1), 2-534(a)(2), 2-534(a)(4), and 2-534(e).

Five requests from FY20, and three requests that were submitted in FY21, are pending as of February 25, 2021. (Due to the COVID-19 Public Health Emergency, the response deadlines have not passed yet. OTA is in full compliance.)

For FY20, taking into account that there are still some pending requests: The average response time was estimated at 21 days. The requests have taken estimated total of 25 and three-quarter hours to process. Based on the annual compensation of the FOIA officer – who was the FTE most substantially involved – and an estimated two other FTEs who contributed to processing the requests, the cost of compliance has been \$1,211.80. See “Attachment #16 for Q#28 “OTA FY 2020 FOIA Report Form.”

29. Please provide a copy of your agency’s FY21 performance plan as submitted to the Office of the City Administrator and any accomplishments pursuant to that plan.

Response: N/A

30. Please separately list each employee whose salary was \$100,000 or more in FY20 and FY21, to date. Provide the name, position number, position title, program, activity, salary, and fringe. In addition, state the amount of any overtime or bonus pay received by each employee on the list.

Response: See Attachment #17 for Q#30 “*Employees with Salary of \$100,000 or More*”

31. Please list in descending order the top 25 overtime earners in your agency in FY20 and FY21, to date. For each, state the employee’s name, position number, position title, program, activity, salary, fringe, and the aggregate amount of overtime pay earned.

Response: See Attachment #18 for Q#31 “*Top 25 Overtime Earners*”

32. For FY20 and FY21, to date, please provide a list of employee bonuses or special pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay.

Response: See Attachment #19 for Q#32 “*Bonus and Special Pay*”

33. Please provide each collective bargaining agreement that is currently in effect for agency employees. Please include the bargaining unit and the duration of each agreement. Please note if the agency is currently in bargaining and its anticipated completion.

Response: N/A

34. If there are any boards or commissions associated with your agency, please provide a chart listing the names, confirmation dates, terms, wards of residence, and attendance of each member. Include any vacancies. Please also attach agendas and minutes of each board or commission meeting in FY20 or FY21, to date, if minutes were prepared, or the explanation why minutes were not prepared to not available. Please inform the Committee if the board or commission did not convene during any month.

Response: N/A

35. Please list all reports or reporting currently required of the agency in the District of Columbia Code or Municipal Regulations. Provide a description of whether the agency is in compliance with each requirement, and if not, why not (e.g. the purpose behind the requirement is moot, etc.).

Response: Pursuant to D.C. Official Code § 42–3531.07(5)(B), the OTA provides the Council with an Annual Report each February. We are finalizing this report now and will submit it to the Council shortly.

36. Please provide a list of any training or continuing education opportunities made available to agency employees. For each additional training or continuing education program, please provide the subject of the training, the number of agency employees that were trained, the names of the trainers, and the total cost of each, if a procurement was made, the name of the contractor and the basis for the non-competitive award, if applicable.

Response: There were no trainings attended in FY20 and FY21 to date.

37. Does the agency conduct annual performance evaluations of all its employees? Who conducts such evaluations? What steps are taken to ensure that all agency employees are meeting individual job requirements?

Response: The agency Director meets annually with all employees to discuss job performance.

Racial Equity Questions

1. In the context of your agency and its mission, what are three areas, programs, or initiatives where you see the most opportunity to address racial inequity?

Response: The first area where the OTA sees an opportunity to address racial inequity is within its education program mandate -- the first duty enumerated in the agency's establishment act. Upon its creation, the agency found that the vast majority of tenants we engaged have very little knowledge about their rights. The agency's experience corroborated the establishment act's legislative findings in this regard.

The second area is in the area of legal representation. The vast majority of tenants do not have counsel to represent them in court. That is especially true in Landlord & Tenant Court, where the vast majority of defendants are black.

The third area is communication through our stakeholder format which allows the tenant community to develop a relationship with the agency. Through this relationship, tenants gain a better understanding of legal and policy matters especially as they relate to the District's tenant protection statutes and regulations.

Finally, the OTA looks for opportunities to address racial inequity in its legislative and regulatory advocacy. An example is the OTA's comments in March of 2020 on the proposed regulations issued by the U.S. Department of Housing and Urban Development (HUD) that substantially weakened the Obama-era requirement that state and local jurisdictions affirmatively further fair housing. The OTA expressed its opposition to the Trump Administration's removal of certain "disparate impact" standards from the HUD regulations (specifically, references to "segregated living patterns" and "racially and ethnically concentrated areas of poverty").

2. Do you think there are any areas/programs where your department has had some success in building racial equity over the past year? Which areas/programs?

Response: Yes in that we have continued to build on our efforts to promote racial equity over the past decade and a half. For example, the agency participated in the DC Summer Youth program for several years and in doing so we discovered that many young adults assigned to our Agency benefited from the agency's focus on helping them to develop their reading writing and other skills. The majority simply did not read and write well, many did not aspire to go to college; or, even if they did, they seemed ill-prepared.

Thus, the agency developed a rigorous program that helped us identify the student's deficiencies, and we committed the time and energy necessary to help the students overcome those deficiencies and exit the program with improved skills sets. We also introduced our students to foreign language studies (Spanish).

Additionally, we hired several Summer Youth Program students to assist the Agency's administrative staff. One continues to work for us today; another worked for us for five years and now works for a major Communications company (i.e. Verizon, Comcast).

3. Consider the demographic data your department collects, tracks, and evaluates as (A) part of its operations and (B) as part of its performance plan:
 - a. Do you collect information on race and geographic area? If not, why not?

Response: The agency's data collection does not include data pertaining to race. However, we do collect geographic data that may coincide with race-related data through our case intake management system and the hotline. We would also note that among the agency's areas of interest, one focus has been on the housing conditions of tenants throughout the District.

4. What legal barriers (if any) do you face as an agency to advancing racial equity or better understanding racial inequity?

Response: Racial equity and/or inequity is framed in the manner of the federal government statutes that were developed regarding fair housing. We are experts in all statutes and laws related to the rights of the tenant community in this context and work with the Office of Human Rights in advancing racial equity for all tenants throughout the City.

5. In your proposed FY22 budget, are there specific programs or allocations that are specifically designed to address racial or economic inequities faced by District residents? In detail, please describe how these efforts address those inequities.

Response: We do not have specific programs or funding allocations that are explicitly designed to address racial or economic inequities faced by District residents. As suggested above, we inculcate into our daily protocols that all tenants are entitled to fair housing and fair treatment. When it is determined that these rights have been violated, we go into action to provide as much support as possible to help vindicate these rights on behalf of each client.

6. Consider one operational data point and one performance data point where you collect race information or could collect race information. How could your department use this data to inform future programmatic decisions?

Response: The agency is happy to consider this question and formulate a response in the context of the wider data set we now use to assist us, for example, in the policy realm. For example, in considering policy recommendations to enhance the rights and interests of tenants generally, it certainly would be useful to have race-related information suggesting existing disparities or areas of particular need.

7. What are two areas/programs where your department has significant potential to succeed in building racial equity? Please elaborate on why you chose those areas.

Response: The first area of racial equity-building that has been a part of the agency from day one is in the area of staffing. One of the Director's priorities is to hire and maintain a staff that reflects the diversity of the District's population itself. Because it is so critically important that OTA staff reflect the communities it serves, a premium is placed not only on hiring the best and the brightest, but also on the ability of the staff as whole to connect, communicate, and serve those diverse communities.

The second area of racial equity-building is developing our capacity to communicate in the appropriate language with the renter or renter community we are serving. This is relevant not only to the Director's hiring decisions, but also to her policy of encouraging all staff to develop language skills by offering agency-wide Spanish courses.

The third area of racial equity-building is forging partnerships that allow us to disseminate information and promote funding decisions that focus on communities that are identified as underserved.

8. Consider what a racially equitable District of Columbia would look like, and please describe. What are ways your agency's operations would reflect this achievement?

Response: A racially equitable DC would have diverse housing and equitable educational and employment opportunities across all Wards and across all demographic groups. The Director believes that the OTA's greatest contribution to this effort would likely be through the continued expansion of its outreach and education programs, including education within schools at all levels, so that the next generation has greater understanding and appreciation for what it means to be a racially equitable and inclusive society.

9. What are three metrics that your agency could use to measure progress toward racial equity? These could be metrics you currently track or new metrics. (Examples include: licenses or permits issued/denied, professional development or advancement opportunities granted/denied, fine or fee enforcement/forgiveness, etc. – all by race and/or geographic areas).

Response: The three metrics that the OTA could use to measure progress toward racial equality are (1) hiring policy; (2) enhancing staff’s development of communication skills; and (3) developing further outreach and educational opportunities for the tenant community.

Agency-Specific Questions

1. Please list each policy initiative of the agency during FY20 and FY21 to date. For each initiative please provide:
- a. A detailed description of the program;
 - b. The name of the employee who is responsible for the program;
 - c. The total number of FTEs assigned to the program; and
 - d. The amount of funding budgeted to the program.

Response:

#	
1	a) Emergency Housing Assistance – To enhance existing operational policies and procedures in order to better serve the needs of temporarily displaced tenants.
	b) Tamela Tolton, Joel Cohn, Dennis Taylor
	c) 3 FTEs
	d) \$0
2	a) Legal Representation – To institute a mold inspection / litigation program to provide more District tenants with the assistance of a certified mold inspector and litigating attorneys.
	b) Amir Sadeghy
	c) 1 FTE
	d) \$105,000
3	a) Educational Institute – The OTA will continue to create new course development to meet needs identified through intake, outreach engagements, and survey responses.
	b) Cristobal Puig-Monsen
	c) 1 FTE
	d) \$10,000

2. Please describe the effects on the capacity of the agency due to any federal budget cuts.

Response: N/A

3. Please describe any preparations by the agency in anticipation of policy and priority changes under the current federal administration.

Response: It seems likely that the new Presidential administration will distribute more federal funding to the states in rental assistance and other benefits for tenants, potentially including more funding for much-needed public housing repairs. The OTA will continue to update our informational documents and educational seminars to inform tenants of such funding and services, and we will continue to advocate for their effective deployment.

4. Please explain the impact on the agency of any legislation passed at the federal level during the last year. Specify such legislation and relevant provisions if possible.

Response: Not applicable, except that the OTA has adapted its informational documents and educational seminars to include developments in federal funding that have affected the tenant community.

5. Please describe the agency's efforts to utilize federal grants and other alternative funding sources.

Response: N/A

6. What steps, if any, has the agency taken during FY20 and FY21 to date, to reduce the following:

- a. Space utilization

Response: The agency has expanded its footprint to keep up with the growth of our team.

- b. Communications costs

Response: Our communication costs continues to be minimal.

- c. Energy use

Response: Since the start of the Public Health Emergency our team has been telecommuting, thus we should see optimal energy savings this fiscal year.

- d. Criminal activity in and around developments

Response: N/A

7. What District legislation has yet to be implemented by the agency, if any? If legislation has not yet been implemented, please explain why.

Response: Law 21-36, the "Fiscal Year 2016 Budget Support Act of 2015," Title II, Subtitle V ("Rent Control Housing Clearinghouse") requires the OTA to develop an internet-accessible database for the submission, management, and review of documents and data that landlords are required to submit to RAD pursuant to the rent control program. The deadline for the OTA to complete this database and transfer the project to RAD is December 31, 2021.

8. Please describe how the agency solicits feedback from its constituents.
 - a. What has the agency learned from this feedback?
 - b. How has the agency changed its practices as a result of this feedback?

Response: The legal branch has in the past solicited feedback through the dissemination of customer satisfaction surveys to all walk-in tenants. As we have not been operating from our offices in the past year, we have not been able to solicit such systematic feedback.

9. Which programs at the agency are in most need of funding?

Response: The agency is most in need of funding regarding communication and educational products, and the case intake management system. The latter will allow us to expand data collection to include more demographic and other information of interest to policymakers and others.

10. What has the agency done in the past year to make the activities of the agency more transparent to the public?

Response:

Stakeholder Meetings: The OTA regularly apprises advocates and other members of the rental housing community of legislative and regulatory developments, and provides opportunities to participate in the development of policy goals and proposals. Stakeholder meetings are open to anyone and are advertised in local community newspapers.

Community education and outreach events: These events provide the agency many opportunities to inform District renters about agency services, and to hear suggestions and feedback throughout the year.

Online agency information: The web allows the OTA to share more information with more District residents. For those stakeholders without computer access we routinely send information via postal mail. Information on all agency programs is offered online.

Surveys: Periodic surveys (e.g., pre- and post-Summit surveys and Stakeholder surveys) allow the agency to better understand the tenant community's needs.

Annual Report: The Annual Report informs the tenant community as well as the Council and the Mayor's office regarding the agency's functions and performance during the prior fiscal year.

11. Please identify any statutory or regulatory impediments to the agency's operations.

Response: We would only note that the temporary legislation that extends the OTA's deadline to complete the Rent Control Housing Database to December 31, 2021 expires on August 4, 2021. We ask that the Committee please work with us to ensure that the extension remains authorized by law through the December 31st deadline.

12. Please provide a copy of the agency's FY20 performance accountability report.

- a. Please explain which performance plan strategic objectives and key performance indicators (KPIs) were met or completed in FY20 and which were not.
- b. For any met or completed objective, also note whether they were completed by the project completion date of the objective and/or KPI and within budget. If they were not on time or within budget, please provide an explanation.
- c. For any objective not met or completed, please provide an explanation.

Response: N/A

13. Please provide a copy of your agency's FY21 performance plan as submitted to the Office of the City Administrator. Please discuss any changes to outcomes measurements in FY20, including the outcomes to be measured, or changes to the targets or goals of outcomes; list each specifically and explain why it was dropped, added, or changed.

Response: N/A

14. What are your top 5 priorities, in order of urgency if possible, for the agency? Please provide a detailed explanation for how the agency expects to achieve or work toward these priorities in FY21.

- a. **Rental Housing Clearinghouse Database: timely completion and transfer of the project to DHCD by 12/31/21. Please see response to agency-specific question #11 above (statutory or regulatory impediments) regarding the expiration in August of the extension deadline temporary law and the need to renew that legislation.**
- b. **PHE tenant protections: To continue our collaboration with the Council, the Mayor, and community partners to identify policy problems and solutions as the District's renter population transitions from a COVID to a post-COVID environment.**
- c. **Rent control reforms: To continue our collaboration with the Council, the Mayor, and community partners to identify how best we can move the ball forward on strengthening the District's rent control law.**
- d. **Mold litigation program: To institute a mold inspection and litigation program to provide more District tenants with the assistance of a certified mold inspector and legal representation in warranted cases (please note the agency suspended the development of this program in FY 2020 due to COVID-related spending restrictions).**
- e. **Education and Outreach: To continue to develop the agency's curriculum to meet the needs and the diversity of the District's renter community.**

Tenant Support

15. How many total cases were opened in FY20? How many of these cases remain open? How many cases were closed? Of the cases closed, how many were resolved? Please provide the data for FY21, to date, as well.

Response:

Total cases opened FY20/21: 6754/1769

Total cases remain open FY20/21: 106/73

(Data current through 2/26/21)

It is presumed that all closed cases have been resolved.

16. Please state the number of tenants or tenant groups that have sought OTA assistance for new matters in FY20 and FY21, to date, in each of the following categories and then followed by the number of open cases in each category.
- a. Rent control in general: **Tenants inquire about this subject in reference to rent increases (see below).**
 - b. Rent increases: **340/39**
 - c. Vacancy increases: **N/A**
 - d. Petitions and voluntary agreements: **41/11**
 - e. Conversions and sales: **271/45**
 - f. Housing code violations: **1418/260**
 - g. Bedbugs: **42/5**
 - h. Security deposits: **569/140**
 - i. Lease violations/rental payment disputes: **98/28**
 - j. Evictions/foreclosures: **454/130**
 - k. Emergency housing: **302/147**
 - l. Legislative or policy advocacy: **These inquiries are wide-ranging in nature and are not tracked.**
 - m. Rent affordability: **This is not a legal issue per se, except as it relates to rent control/rent increases.**
 - n. Issues with the use of vouchers: **N/A**

- o. Resident’s concern with voucher holders a tenants: N/A
- p. Rent concessions: 7/1
- q. Roaches and rodent problems: 272/54
- r. Tenant harassment: 99/35 (harassment by landlord)

(Data current through 2/26/21)

17. Based on the number of tenant complaints or other considerations, please identify the top 3 issues facing tenants today. Have there been any significant changes during FY21 to date, and is there anything the agency plans to do differently given possible changing needs?

Response:

FY 2021: (1) Lease Issues; (2) Housing Code Violations; and (3) Evictions.

There were significant changes in the top issues facing tenants since the PHE started in FY 20. When the OTA submitted its responses last year to the performance oversight questions, eviction concerns had ranked the fifth most frequent category of OTA case-intake inquiries for FY 20. However, at the end of FY 20, eviction concerns rose to the third most frequent category of OTA case-intake inquiries, even with the District’s various moratoria in place. OTA saw the number of eviction-related case-intake inquiries rise 21% in FY 20 from the FY19 number.

The OTA continues to work with sister agencies and community partners to address the wave of evictions that is widely anticipated when the PHE moratoria end.

18. Please provide an update on the District’s bedbug problem. Do bedbugs continue to be a major sanitary issue for tenants? Is the problem abating or worsening? The Committee recognizes that the agency has worked with the Department of Health in the past to address the issue, but what is the “cure” for the problem and what role can the agency play in implementing a solution?

Response: As we reported last year, we cannot conclude that there is a worsening bedbug problem in the District. However, we are working with the Committee on Health with respect to a potential re-introduction of Bill 23-45, the “Bedbug Control Act of 2019.” That measure would significantly clarify eradication, reporting, and notice responsibilities among both housing providers and tenants when a bedbug infestation occurs.

We believe the keys to controlling bedbugs include the following:

- (a) Education and outreach:** the OTA has participated with DOH and others at various forums and conferences;
- (b) Early detection and notification:** the OTA and DOH participate in DOEE's “Lead-free and Healthy Homes” program, which involves comprehensive home inspections and may include bedbug detection.
- (c) Clear legal responsibilities:** In 2014, pursuant to the efforts of OTA and colleagues, the “pest extermination” provision in the Property Maintenance Code (12G DCMR 309) was

revised to establish clearer “pest extermination” responsibilities for landlords, tenants, and others.

See response to Question #16(g) for the number of bedbug-related inquiries the OTA has received in FY20 and FY21 to date.

19. Please explain any reductions in funding OTA provides to non-profit legal services providers. Please discuss any ongoing contracts for legal services, the scope of each contract, how it is being monitored, and the number of tenant cases referred in FY20 and FY21 to date under each contract.

Response: As we stated last year, the Legal Service Provider Fund program was zeroed out starting in FY2018. The Chief Tenant Advocate believes that this a valuable program when adequately funded. We note that over a six-year period (FY12- FY17) it resulted in the return of over \$13 million to the tenant community by way of damage awards and settlement agreements.

20. How does OTA decide which cases to take on?

Response: Each representation request is evaluated on the basis of certain criteria, including, but not limited to: whether such representation would be in the public interest; the resources required to take on such representation; the merits of the case and its likelihood of success; the number of tenants affected by the issue; and the potential city-wide impact of the case.

21. How many new cases were assigned to each attorney in FY20 and FY21 to date? What is the average case load for each attorney?

Response:

Attorney	FY21 through 2/26/2021	FY20	Total for FY20- FY21
Amir Sadeghy	1	292	293
Dennis Taylor	21		21
Harrison Magy	260	614	874
Johan Fatemi	283	628	911
Ramona Quillet	52	488	540
Sean Treanor	37	579	616
Shavannie Braham	248	630	878
Stephen Dudek	4	10	14
Umar Ahmed	72	581	653
TOTAL	978	3,822	4,800

22. What are the most common results of OTA's representation of tenants? Is there an average dollar amount of monetary awards given to tenants as a result of OTA's representation in FY20 and FY21 to date?

Response: The results of OTA's legal assistance to tenants vary widely and depend largely on the nature of the issues brought to OTA. Tenants often call OTA simply to better understand their rights or ask clarifying questions about the law or their personal circumstances. It is almost impossible to attribute an exact monetary value to the vast majority of such cases handled by OTA. Therefore, our "value returned to tenants" includes only cases where OTA assists tenants in negotiating a financial settlement or obtaining a judgment in a court case.

OTA's financial return to tenants have been \$1,231,945 for FY20 and \$654,091 for FY21.

23. Please describe your strategy to expand legal representation with the addition of litigating attorneys, law school students, and pre-law college undergraduates. What function will each have?

Response: OTA has implemented an internship program that provides undergraduate and law students with course credits. These interns provide valuable assistance to OTA's legal, policy, and education & outreach branches with a wide variety of projects.

24. Is there anything that OTA has done/can do to improve the agency's efficiency and performance from a customer service perspective?

Response: OTA continually monitors the customer service it provides to tenants, holds regular staff meetings to brainstorm possible improvements, and makes periodic adjustments accordingly.

25. How many tenants served by OTA were provided emergency housing during FY20 and FY21, to date? What were the primary reasons for the need for emergency housing? What is the current state of the need for emergency housing for tenants? Did the need increase or decrease?

Response: In FY20 the Emergency Housing Program provided services to 302 families, expending \$601,835.87. Fires were the cause of 224 families being displaced and 78 families were displaced by building closures. In FY21 to date, we have served 147 displaced families: 103 families displaced by fire and 44 because of building closures. The OTA has expended \$129,707.07 to date in FY21.

26. OTA's planned "interagency alert" system will check for housing provider noncompliance within licensing and registration requirements and homestead deductions claims and will generate and transmit the violations to the relevant agency.

a. Please provide an update on the system.

Response: Currently, we provide interagency alerts to DCRA and other relevant agencies on a non-automated basis as they occur.

b. How are you tracking and measuring the effectiveness of the system?

Response: N/A

c. What else can be done to facilitate better interagency coordination?

Response: The Rental Housing Database can potentially play a role. That will largely depend on interagency "buy-in" and cooperation after the OTA completes the demonstration project pursuant to current statutory mandates.

27. What challenges has OTA had in coordinating inspections, re-inspections, enforcement, and collecting fees and fines with DCRA, including building-wide inspections? Are these inspections still happening?

Response: OTA's legal branch generally is not involved in coordinating inspections. We may refer tenants to DCRA where necessary, but all inspections and follow-up actions are scheduled and monitored by DCRA.

28. Have there been any issues coordinating tenant assistance with any other agencies? Please describe them.

Response: As we stated last year, the agency has good inter-agency relationships, and utilizes those relationships to help resolve "regulatory coordination" problems on a case-by-case basis. For example, there are no major coordination problems regarding the OTA emergency housing assistance program. The OTA actively works with DCRA, DHS Strong Families, DHS Emergency Management Team, the American Red Cross, as well as hotels throughout the city.

COVID-19 Related Tenant Support

29. Does the agency have an estimate on the number of cases received directly pertaining to COVID-19?

Response: We do not at this time.

30. How has COVID-19 affected your office's ability to provide legal support to tenants?

Response: The building and court closures resulting from the pandemic limited OTA's ability to provide walk-in services and in-court representation to tenants. Those walk-in clients accounted for approximately five percent of OTA's intakes.

31. What has the agency done to adapt to COVID-19 in order to continue providing adequate services to tenants?

Response: The OTA has transitioned to providing its full range of services virtually, at full capacity, to the District's tenant community via telework. We transitioned to telework at the outset of the Public Health Emergency (PHE). Via call forwarding to office-issued mobile phones and the benefit of new laptop computers, we have continued our work with minimal interruption. In addition, we have continually updated documents on our website that outline the tenant protections in place during the PHE, how to connect with OTA, and how to access local rental assistance programs. We continue to field questions on rental housing law through our website's "Ask the Chief Tenant Advocate" feature. Since implementing this telework system, OTA has provided legal services to more than 6,500 tenants and counting.

32. How has the agency's work substantively changed as a direct result of COVID-19?

Response:

While the COVID-19 public health crisis has certainly exacerbated tenant issues, the impact on the agency's work is more one of degree rather than kind. Unemployment, under-employment, and rent hardships now afflict renters in income and other demographic categories not normally associated with those problems. Thus, the COVID-19 pandemic has expanded the volume of tenants that we normally work with, both in the aggregate and in terms of socio-economic categories.

Within this changed environment, the OTA continues to pursue its statutory mission to represent, advise, and advocate on behalf of tenants by providing direct legal representation to tenants; advising tenants on filing complaints and tenant petitions; providing education and outreach to the tenant community on tenant rights and other rental housing matters; as well as advocating for the interests of tenants in legislative and other policy matters. We have however refocused our energies and in some instances repurposed our resources towards the unique challenges the PHE presents.

33. How many cases has the agency received relating directly to the tolling of all tenant deadlines, as established by B23-0734, the "COVID-19 Response Supplemental Temporary Amendment Act of 2020?"

Response: We have not collected this particular data.

Workshops and Outreach Programs

34. Please identify each education and outreach program the agency held in FY20 and FY21, to date.

Response:

OTA Education & Outreach events held during FY 2020 (106 events, and 8,732 individuals)

Date of Event	Event	Address
10/10/2019	Navigator's Office	510 4th St NW
10/24/2019	12th Annual Disability Fair	UDC
10/25/2019	Mental Health Fair	John Marshall Park
10/30/2019	Meeting with Howard University	Office- 2000 14th Street NW
10/30/2019	Renters Rights 101	Office- 2000 14th Street NW
11/5/2019	Georgetown University- Resource Hours	1300 36th Street NW
11/5/2019	Good Will Excel Center- Lease 101	1776 G ST NW
11/6/2019	CUA- Resource Hours	620 Michigan Ave NE
11/7/2019	Navigator's Office	510 4th St NW
11/7/2019	Good Will Excel Center- SD and Rent Increase	1776 G ST NW
11/8/2019	Workforce Development- UDC	801 North Capital Street NE
11/12/2019	Good Will Excel Center- Housing Code	1776 G ST NW
11/12/2019	Renters Rights 101- Capital Yard	70 I ST NE SE
11/14/2019	DISB Elder Housing Forum	6001 Georgia Avenue, N.W
11/14/2019	Good Will Excel Center- Evictions	1776 G ST NW
11/14/2019	OTA Stakeholder Meeting	2000 14th Suite 300N
11/21/2019	Community Partnership- AM	801 Penn AVE SE

11/21/2019	Community Partnership- PM	801 Penn AVE SE
11/23/2019	Renters Rights 101	Office- 2000 14th Street NW
11/25/2019	DCATAC Outreach	Office- 2000 14th Street NW
11/26/2019	DCATAC Outreach	Office- 2000 14th Street NW
12/3/2019	Georgetown University- Resource Hours	1300 36th ST NW
12/3/2019	Stonehill Alumni Assoc.	1135 16th St NW, Washington, DC 20036
12/12/2019	Community Partnership-AM	801 Penn AVE SE
12/13/2019	OTA Open House/Holiday Party	2000 14th St NW Suite 300N
12/18/2019	Renters Rights MOLA	2000 14th St NW Suite 200
12/19/2019	Mayor's elderly Party	2001 E Capitol St SE, Washington, DC 20003
12/19/2019	A Wider Circle	Maryland
1/9/2020	Community Partnership- AM	801 Penn AVE SE
1/9/2020	Community Partnership- PM	801 Penn AVE SE
1/11/2020	Tenant Meeting	230 Rhode Island Ave
1/13/2020	Tenant Meeting	1020 19th ST NE
1/14/2020	Resource Hours	1300 36th ST NW (Gtown)
1/17/2020	DCATAC Meeting	3010 Connecticut Ave NW
1/21/2020	SOME Renters Rights 101	1667 Good Hope RD SE
1/23/2020	Rent Control- Dept. Disability Services	250 E St. S.W Washington
1/27/2020	Tenant Association Meeting	635 Edgewood Commons NE
1/29/2020	Tenant Rights Meeting	Office- 2000 14th Street NW
1/29/2020	CUA- Housing Fair	620 Michigan Ave NE, Washington, DC 20064
1/29/2020	Renters Rights 101	Office- 2000 14th Street NW
2/4/2020	Eviction and Vacating Presentation	1667 Good Hope RD SE
2/5/2020	Tenant Rights Presentation	TASSC International- 4121 Harewood Ave NE

2/6/2020	UDC Law Summer Internship	4200 Connecticut Ave NW
2/11/2020	Georgetown University-Resource Hours	1300 36th St NW
2/12/2020	School Meeting	3560 Warder St NW, Washington, DC 20010
2/12/2020	Tenants Meeting	Mary Virginia Merrick Recreation Center
2/13/2020	Renters Rights 101	801 Penn AVE SE
2/13/2020	Renters Rights 101	801 Penn AVE SE
2/13/2020	College Students 101	CUA Campus
2/19/2020	Navigator's Office	510 4th St NW
2/20/2020	OTA's Stakeholder Meeting	Office- 2000 14th Street NW
2/21/2020	Renters Rights 101-Staff	Office- 2000 14th Street NW
2/26/2020	Tenant Meeting	6420 14th ST NW
2/28/2020	Rosemont Center Meeting	Mt. Pleasant Library
2/29/2020	Renters Rights 101	Office- 2000 14th Street NW
3/2/2020	George Mason Off-Campus Housing Fair	George Mason University
3/4/2020	American University Off-Campus Housing Fair	American University
3/5/2020	Community of Hope Meeting	4 Atlantic St SW
3/5/2020	George Washington University Off-Campus Housing Fair	George Washington University
3/27/2020	Letter to Students about OTA services	Gallaudet University
3/30/2020	Stakeholder Email	COVID-19 Handout
3/31/2020	Tenant Rights Bracket	Online

4/8/2020	Community Partnership Renters Rights 101 (PHE)	virtual
4/9/2020	Stakeholder Email	Legislative Email
4/13/2020	Tenant Meeting- Virtual	2225 Kearny St. NE 20018
4/18/2020	Stakeholder Email	COVID-19 Handout- OTA events
4/23/2020	Stakeholder Email	Legislative Email
4/24/2020	Renters Rights 101 (During the Public Health Emergency)	virtual
4/29/2020	Community Partnership- Renters Rights 101	virtual
4/29/2020	4ANC- Community Meeting	virtual
4/30/2020	Stakeholder Meeting- COVID-19 Impact on Tenant Rights	Virtual
5/5/2020	Kennedy-Warren TA meeting	virtual
5/7/2020	Stakeholder Email	Policy Email- Leg Hearing May 5th
5/11/2020	Team Meeting	DHS- Rapid Rehousing
5/13/2020	Community Partnership- Renters Rights 101 AM	virtual
5/13/2020	Community Partnership- Renters Rights 101PM	virtual
5/18/2020	Edgewood Tenant Association Meeting	virtual
5/27/2020	Stakeholder Email	Virtual
5/28/2020	Renters Rights 101 (During the Public Health Emergency)	Virtual
6/1/2020	Renters Rights 101 (intern)	Virtual
6/5/2020	DC Bar Event	virtual

6/10/2020	Community Partnership- Renters Rights 101 (During PHE)	virtual
6/20/2020	Stakeholder Email (Updated and Rent Resources, Solar For all)	Virtual
7/7/2020	Community Meeting- Isherwood St	On the Phone
7/8/2020	Community Partnership- Renters Rights 101 AM	virtual
7/8/2020	Community Partnership-Renters Rights 101 PM	virtual
7/9/2020	Utility Panel	Virtual
7/10/2020	G'Town Housing Fair	Virtual
7/22/2020	Evictions: Preparing for the Storm	Virtual
7/30/2020	Stakeholder Email (leg update, masks, eviction section)	Virtual
8/5/2020	American University: "Resources for Off-Campus Renters."	Virtual
8/11/2020	Off-Campus Housing Document	Email
8/13/2020	ANC1A- Rent Control and Affordable Housing Town Hall	Virtual
8/17/2020	Tenant Summit Survey	Virtual
8/22/2020	Marbury Plaza- Back to School Event	Submitted documents
8/27/2020	Red Cross Meeting	Virtual
9/5/2020	Stakeholder email (evic moratorium, TP nonpayment of rent, cleaning, Council roundtables)	Email
9/10/2020	Community Partnership- Renter Rights 101	virtual

9/10/2020	Community Partnership Renters Rights 101 (PM)	virtual
9/10/2020	Woodner Tenant Association	Virtual
9/10/2020	Echelon Community Service- Renters Rights 101 (Part 1)	Virtual
9/15/2020	Umass Law- Speaker	Virtual
9/15/2020	Trayon' White- Eviction Townhall	Virtual
9/16/2020	Park Southern Tenant Meeting (800 Southern Ave)	Virtual
9/18/2020	Information and Wellness fair	Virtual
9/28/2020	Edgewood Tenant Association Meeting	Virtual

OTA Education & Outreach events held during FY 2021 (47 events and 1238 individuals)

Date of Event	Event	Address
10/1/2020	Renter Rights 101 and During the PHE	Virtual
10/5/2020	Tenant Meeting	1443 Euclid Street
10/6/2020	Georgetown Resource Hours	Virtual
10/7/2020	Intern Meeting	Work
10/8/2020	Renter Rights 101- During the PHE AM	Community Partnership- virtual
10/8/2020	Renter Rights 101- During the PHE PM	Community Partnership- virtual
10/8/2020	Renter Rights 101- Part II	Echelon Community Services- Virtual
10/8/2020	Legislative Email to Stakeholders	Email
10/14/2020	Eviction Prevention: Rental Assistance Program	Virtual

10/22/2020	Evictions: Preparing for the Avalanche (1ANC05)	Virtual
10/22/2020	Evictions: Preparing for the Avalanche 1ANC05)	Virtual
10/28/2020	Renters Rights 101- During PHE (Spanish)	Virtual
10/28/2020	Renters Rights 101- During PHE (Amharic)	Virtual
11/2/2020	Client Meeting- Owed Rent- Linda Shaw	Virtual
11/2/2020	Community Hope Meeting	Phone
11/3/2020	Legislative Email to Stakeholders	Email
11/4/2020	Georgetown Students Tenant Association	Virtual
11/6/2020	Renters Rights 101- During PHE	Virtual
11/10/2020	Georgetown Resource Hours	Virtual
11/12/2020	Lease 101	Community Partnership- virtual
11/12/2020	Lease 101- PM	Community Partnership- virtual
11/17/2020	Renter Rights 101- During PHE	Virtual
12/2/2020	Renter Rights 101	Gallaudet University- Commutter Program
12/8/2020	Georgetown Students Tenant Association	Virtual
12/10/2020	Community Partnership- Addressing Housing Code Issues	Virtual
12/10/2020	Community Partnership- Resource Hours	Virtual
12/12/2020	DC KinCare Alliance Community Meeting	Virtual
12/14/2020	MOAPIA Community Meeting	Virtual
12/17/2020	Parkwest TA	Virtual

1/11/2021	Renters Rights 101 during the PHE - interns	Virtual
1/13/2021	The Community Partnership Renters Rights 101 during the PHE; AM	Virtual
1/13/2021	The Community Partnership Renters Rights 101 during the PHE; PM	Virtual
1/22/2021	Covid-19 testing site visit; meeting with Dept. of Health personnel	In person
1/22/2021	Covid-19 testing site visit; meeting with DC Fire & Emergency Medical Services personnel	In person
1/27/2021	Meeting with personnel from the Mayor's Office on Latino Affairs	Virtual
2/4/2021	Food distribution site visit; meeting with DC Central Kitchen volunteers	In person
2/11/2021	OTA - The Community Partnership; Renters Rights 101 during the PHE; AM	Virtual
2/11/2021	OTA - The Community Partnership; Renters Rights 101 during the PHE; PM	Virtual
2/22/2021	OTA - DC Central Kitchen; meeting with Program Manager	Virtual
2/23/2021	Meeting with ANC Commissioners Szymkowicz, JP (SMD 3D09); Elkins, Chuck (SMD 3D01)	Virtual

2/26/2021	Meeting OTA - Capitol Area Food Bank; Community and Mobile Marketplace Coordinator.	Virtual
2/26/2021	Meeting OTA - Mary's Center; Director of Social Services	Virtual

35. How do you measure the effectiveness of your tenant education programs? What has been the feedback on the programs you conducted in FY20 and FY21, to date? What were your top 5 attended or utilized programs?

Response: The OTA measures the effectiveness of our tenant education programs in a number of ways, including evaluations; comments from participants; the number of referrals from government agencies, nonprofit organizations, and tenants. We generally receive excellent feedback from participants and are always seeking methods to improve our education as well as outreach capabilities.

Top 5 Attended events

1. Eviction Prevention: Rental Assistance Program (150 attendees, October 14, 2020; 130 attended)
2. Renters Rights 101 – During the Public Health Emergency in Amharic (30 attended; October 28, 2020)
3. Councilmember Trayon White- Eviction Townhall (125 attendees, September 15, 2020)
4. COVID-19 Impact- Government is Here to Listen (99 attendees, April 30, 2020)
5. Renters Rights 101- During the PHE (71 attendees, April 24, 2020)

36. Please summarize the outreach programs that the agency plans to implement this coming year.

Response:

a. OTA Eviction Prevention Outreach Strategy

OTA is in the process of implementing a two phased Eviction Prevention Outreach Strategy. Phase 1 of the Strategy will target the most vulnerable populations of our city (E.g., Wards 1, 5, 7, and 8 residents; Spanish-speaking immigrants). OTA will increase its educational services (most importantly “Renters Rights 101 during the Public Health Emergency”) in general and particularly targeting the Spanish speaking immigrant community. Simultaneously, OTA will implement an outreach campaign directed at our target populations. The publicity campaign will consist of: (1) increased social media presence via Twitter and Facebook, and (2) a low-tech, high-visibility outreach campaign at designated locations throughout the city, beginning with Covid-19 testing and vaccination sites. Additionally, OTA is partnering with community-based organizations, such as DC Central Kitchen, to distribute OTA literature and flyers at food distribution locations. Phase 2 will incorporate radio and television appearances, the in-

house production of additional webinars for our online catalogue and, depending on the availability of funds, paid advertisements and will target all District tenants.

b. Partnership Development

The agency continues to explore new endeavors and partnerships with nonprofit organizations and government agencies. In 2018, the OTA joined forces with Community Partnership, an organization that focuses on homeless prevention by providing shelter management and financial assistance to the District's residents. After a successful year of presenting Renters' Rights 101, Community Partnership requested that the OTA continue its monthly presentation of Renters' Rights 101 for the next fiscal year. The goal of these presentations is to inform the Community Partnership's cohort about the rights of District tenants.

Additionally, the OTA's Eviction Prevention Outreach Strategy encompasses outreach activities with both D.C. government sister agencies as well as community-based organizations. The aim of securing new partnerships is to reach as many tenants, individuals, and households prior to the expiration of the Public Health Emergency tenant protections. Thus far, the OTA has reached out to food distribution organizations, health care organizations as well as religious and faith-based organizations. We will continue these efforts for the foreseeable future.

c. Stakeholder Meetings/ Public Health Emergency Presentations

Tenants and housing advocates will continue to network through OTA's stakeholder meetings held throughout the year. The subject matters will include legislative briefings, updates on the law, and information on the government agencies that assist the tenant community. The OTA will regularly send information on housing matters and tenant rights to members of its stakeholder distribution list as well as updates concerning the Public Health Emergency legislation.

d. College Students

The agency continues to be a part of a consortium of educational institutes of higher learning. OTA continues to maintain its outreach efforts in this area by collaborating closely with each individual institution in the consortium of colleges and universities: American University, Catholic University, Gallaudet University, George Washington University, Georgetown University, Howard University, Trinity College, and the University of the District of Columbia. Due to the pandemic however, OTA's outreach efforts with the Districts' universities and educational institutions will be limited to virtual presentations.

37. How does the agency identify the tenants that are most in need of information and notify them of course offerings? What outreach can you provide to tenants who are not computer literate or otherwise technically inclined?

Response: The OTA requests an email address on forms such as the intake form, outreach request form, virtual sign-in sheets for stakeholder meetings and other events. If the tenant does not have email access, we send announcements, materials, flyers, etc. via the U.S. Post Office. We also use other forms of communication to reach a wider audience, including announcements in newspapers, flyers, and radio. We utilize paid advertisements in selected newspapers and on Metro buses for the annual tenant summit.

Our public relations strategy recognizes that there are many tenants without computer access, thus we utilize as many means as possible to publicize OTA services, programs, and activities. The OTA is also in the process of implementing our Eviction Prevention Outreach Strategy that will, among other actions, seek to partner with our sister-agencies, community based organizations as well as religious and faith organizations, in an effort to reach as many District tenants as possible via high-visibility, low-cost outreach campaign. This will consist of the strategic placement of OTA signs at select locations (Covid-19 testing and vaccination sites throughout the city) as well as the dissemination of OTA literature and flyers. Additionally, all Agency materials are Section 508 compliant.

38. How does the agency solicit feedback from tenants? Please describe. What has the agency learned from this feedback?

Response: After every OTA hosted event, the OTA elicits feedback from the attendees. The survey asks the attendees to evaluate that meeting or presentation, provide comments on how to improve the presentation, and give topic suggestions for future stakeholder meetings and presentations by the OTA. In addition, the OTA will explore online polling and/or distributing surveys to government agencies, non-profits, ANC Commissioners, churches, and the public to evaluate the need of the District's tenants.

One lesson learned during the Public Health Emergency, is the vital importance of adapting to virtual meetings. Due to the pandemic all our in-person meetings and courses have all been cancelled. While we have been successful in transitioning our education and outreach efforts to online platforms, we continually strive to improve our virtual teaching and outreach methods.

39. How has the agency changed its practices because of the feedback?

Response: The OTA internally evaluates and seeks ways to expand our public relations efforts to ensure we are informing as many tenants as possible about our programs, services, and tenant rights. We developed agenda items, training, and presentations in response to the feedback received and our own evaluations.

Legislation

40. What were the agency's legislative priorities in FY20? Were they accomplished? What are the agency's legislative priorities for FY21?

Response: At the outset of FY20, the agency's legislative priorities included the following:

- a. Further rent control reforms to protect the District's diminishing stock of affordable rental housing, particularly with regard to housing provider petitions and Voluntary Agreements, which have become primary drivers of unjustifiable rent escalation;
- b. The numerous pending bills aimed at improving enforcement of the District's housing and property maintenance codes;
- c. Given lease provisions that landlords too often enforce in unfair or unexpected ways, the development of further residential lease reform legislation to protect the tenant's reasonable contractual expectations (see Law 21-210, the "Residential Lease Clarification Amendment Act of 2016," effective 2/18/17); and
- d. Eliminating the 30-day cap on the OTA's ability to recoup from derelict landlords the agency's emergency housing costs under the agency's statutory lien authority.

Regarding rent control, the OTA has long advocated for reforms to strengthen and expand rent control in the District to protect the District's diminishing stock of affordable rental housing. In September 2020, the OTA advocated that the Council do away with Certificates of Assurance for rent control housing. We believe the issuance of these certificates would cause public dollars to be diverted from important public and social programs merely to ensure landlords market rates, despite the rent control's guaranteed return on equity under the hardship petition. The Council unanimously voted to place a one-year moratorium on applications for Certificates of Assurance (Act 23-454 and Law 23-173). The OTA also advocated for legislation to eliminate or place a moratorium on voluntary agreements. The Council approved the Committee Chairperson's 2-year moratorium, which is pending Congressional review, however it is subject to appropriations (Act 23-0608).

In November 2020, OTA testified in favor of many of the provisions in Bill 23-0873, the "Rent Stabilization Program Reform and Expansion Amendment Act of 2020." That measure addressed affordability problems that all too commonly plague tenants residing in rent control units. It would have done so by eliminating the "plus 2%" from the standard annual rent increase thus limiting it to just the CPI for all tenants; eliminating voluntary agreements; right-sizing the 12 percent guaranteed return rate under a housing provider hardship petition (while noting potential problems with the Treasury note measure in the bill as introduced); preventing the preservation of rent adjustments in violation of the Council's 2006 abolition of rent ceilings; and expanding the stock of rent control housing. The Committee held a productive hearing on this measure late in Council Period 23 and we look forward to continuing the conversation in Council Period 24.

Regarding improving the enforcement of the District's building conditions, the OTA consulted closely with the Council, tenant attorneys and advocates, and other experts in – for example – mold and bedbug eradication, to further the development of legislative solutions.

The OTA also supported Act 23-497, the "Fairness in Renting Emergency Amendment Act of 2020" as well as the temporary (Act 23-0499) and Congressional review emergency (Act 24-0003) extensions of this legislation. This legislation puts in place eviction record sealing and

tenant screening provisions that are key to removing barriers to rental housing for (1) those who have been evicted, in some cases unfairly and in other cases where the rental applicant has had a clean record for substantial period of time, or (2) those whose poor credit history should be irrelevant to a rental application because a rental subsidy is in play. This legislation also includes additional eviction notice requirements, and it prohibits evictions for the nonpayment of a relatively small amount of rent or where the landlord does not have a valid business license. We note that the tenant screening and eviction record sealing portions of this legislation are similar to more detailed permanent legislation that the Committee considered last year (Bill 23-0149 and Bill 23-0338, respectively). The OTA supports making these provisions of the “Fairness in Renting” legislation permanent and urges further consideration of the stronger protections in Bill 23-0149 and Bill 23-0338.

Regarding other FY20 legislative priorities listed above, we hope to work with the Council to examine these issues once again in FY21.

Nonetheless, like other agencies, our priorities shifted significantly in mid-FY 2020 to reflect the exigencies of the COVID-19 pandemic pertaining to District renters. The OTA submitted a list of emergency tenant protection measures to both the Committee and the Mayor’s policy office and continued to discuss those and other measures over the following weeks and months. Key items included temporarily halting evictions and notices to vacate for the sake of both the well-being of tenants and public health; placing a moratorium on rent increases; pausing deadlines for the exercise of tenant rights related to TOPA and other rental housing matters; and requiring landlords to allow tenants financially impacted by the pandemic to enter payment plans rather than be subject to eviction, and to break the lease without penalty where warranted by changed circumstances due to the PHE.

The Council enacted these and other proposals supported by the OTA. The pandemic’s continuing impact on renters and lessons learned over the past year have further focused some of our priorities for FY21.

The agency’s legislative priorities for FY21 are therefore the following:

- a) The extension and expansion of certain legislation necessary to help alleviate the avalanche of housing evictions anticipated once the PHE is lifted;
- b) Making the eviction-related provisions of the “Fairness in Renting” legislation permanent, including additional notices for evictions and prohibiting evictions over relatively small unpaid amounts or where the landlord has no valid business license;
- c) Advocating for the re-introduction and enactment of permanent eviction record sealing and tenant screening legislation;
- d) Moving ahead with rent control reform, including limiting the standard annual rent increase to the CPI only; eliminating voluntary agreements; right-sizing the 12 percent guaranteed return rate under a hardship petition; preventing unlawful preservation of rent adjustments; expanding the stock of rent control housing with due consideration to variables such as the impact of a range of financing vehicles; and permanently eliminating both Voluntary Agreements and Certificates of Assurance;
- e) The development of further residential lease reform legislation to protect the tenant’s reasonable contractual expectations – including the problem of perpetual “joint and several liability” even after a tenant moves out of a group house;
- f) Working with sister agencies and partners to continue to develop legislation that improves enforcement of the District’s regulations pertaining to building conditions;

- g) **Eliminating the 30-day cap on OTA's ability to recoup the agency's emergency housing costs under the agency's statutory lien authority.**

41. What new legislative issues have arisen in FY20 and FY21 to date that could require legislative action? What were the sources of the new issues? Requests from constituents? Ideas from staff?

Response: The sources of new legislative issues continue to be primarily client cases, both the OTA's own cases and those of outside attorneys who regularly consult the OTA on legislative and other policy matters. Similarly, ideas for solutions come from both agency staff and outside attorneys and advocates; or they may emerge from brainstorming sessions or may develop over the course of a series of discussions and consultations. For example:

- a) **Rental payment plans:** Current provisions for rental payment plans do not account for certain situations, and thus threaten to leave some tenants in the lurch. For example, tenants who have entered a payment plan early on may later find themselves unable to pay the rent on the timetable agreed upon due to a second pandemic-related income-loss situation. These tenants do not necessarily have the right to enter a second payment plan. Another arguable gray area is whether the landlord can offer a boilerplate payment plan to every tenant on a take it or leave it basis, or if the tenant has the legal right to negotiate a plan more suitable to their particular situation. We are also concerned that the grounds upon which the tenant may file a complaint with the Rent Administrator are too limited.
- b) **Extension of eviction moratoria:** We continue to assess and discuss with governmental and community partners the need to extend the eviction moratoria beyond the end of the PHE. Considerations include the continued relative financial pressures on both tenants and in particular smaller housing providers, and the availability of financial assistance to both groups.

Additional legislative priorities have arisen in FY21 related to the agency's long-standing concern about housing condition requirements and enforcement:

- c) **Building conditions**
 - a. **Programmatic changes:** Following the approval of A23-0616, the "Department of Buildings Establishment Act of 2020 (awaiting Congressional review), the OTA anticipates opportunities to discuss programmatic changes regarding inspections and enforcement that will result in improved building conditions for District renters. One ongoing concern is how should the Nuisance Abatement Fund be deployed and prioritized for maximum impact.
 - b. **Regulatory changes:** The OTA has a seat on the Property Maintenance Technical Advisory Group that advises the Construction Codes Coordinating Board, which works in 3-year cycles. 2021 represents the start of a new review cycle. We look forward to engaging the TAG, the Board, DCRA, and stakeholders to help improve the regulations governing building conditions for District renters.

42. What was OTA’s role in drafting the Rental Housing Act of 1985 proposed rulemaking published by the Rental Housing Commission on August 2, 2019? Briefly describe how the promulgation of new Rental Housing Act regulations will affect the District’s Rent Stabilization Program.

Response: The Rental Housing Commission (RHC) invited the OTA to participate in an interagency draft review process that included the Housing Provider Ombudsman (HPO), the Rent Administrator (RAD), and Office of Administrative Hearings (OAH). The OTA worked together with the Housing Provider Ombudsman on certain recommendations and we also submitted separate recommendations. We were permitted to designate one community partner to provide input through the agency on the draft regulations and we designated the Legal Aid Society for the District of Columbia for that purpose.

The rulemaking describes six core purposes, including implementing statutory changes over the past several decades; clarifying the roles of OAH and RAD; codifying certain RHC and DC Court of Appeals statutory interpretations; making certain procedural improvements; and making other clarifications.

Publicly Accessible Rent Control Housing Clearinghouse

43. The Council passed the Rent Control Housing Clearinghouse Amendment Act of 2015 in Title II, Subtitle V in B21-0158. In fiscal year 2018, the Council transferred responsibility for implementation of the rent control housing database from DHCD to the Office of Tenant Advocate. Under the Rental Housing Registration Extension Emergency Amendment Act of 2019, the database must be operational by September 30, 2020. Please provide in detail a status update on the following aspects of the Publicly Accessible Rent Control Housing Clearinghouse.

- a. What is the status of the project? Have you selected a contractor? Please provide details, and any explanation.

Response: First, we note that the Council extended the deadline for transfer of the completed database to RAD to December 31, 2021 (Act 23-0452, the “Rent Control Housing Database Deadline Extension Emergency Amendment Act of 2020” and Law 23-0178, the “Rent Control Housing Database Deadline Extension Temporary Amendment Act of 2020”). The Office of Contracting and Procurement (OCP) awarded a contract to Innovation Horizons (IH) in August of 2020. IH has been working in conjunction with OTA and DHCD’s RAD to gather the requirements of the database and begin development. We are currently in the development phase and continue to collaborate with IH to ensure the timely delivery of the database on or before December 31, 2021.

- b. Please describe what the project will do, where you are in the process, and what the impediments have been to completing this mandate in a timely fashion.

Response: The database will have two primary functions. First, it will allow all filings to be made electronically, either through completing electronic forms or through uploading documents to the database. Second, the database will store the uploaded information and make it available for viewing to District Agencies and the public.

The primary impediment to completing this mandate by the previous statutory deadline has been delays in the OCP's open bid process, which caused delays of more than a year.

- c. Detail collaboration with the Department of Housing and Community Development's (DHCD) Rental Accommodations Division in gathering data for the clearinghouse.

Response: RAD has worked tirelessly alongside OTA to provide IH the guidance it has needed to properly design and develop the database.

- d. Is there any reason why this project will not be up and running and ready to transfer to DHCD in FY21? If there are, then please describe them.

Response: OTA is confident that the database will be completed no later than December 31, 2021.