

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide, on an emergency basis, for a limited exception to the eviction moratorium, enacted by the Coronavirus Support Emergency Amendment Act of 2021, and to the Eviction Notice Moratorium Temporary Amendment Act of 2020, to allow the eviction process to resume, under a narrow set of defined causes when necessary to ensure health and safety in residential communities, while respecting the public and individual health goals of the eviction moratorium, during the public health emergency and for 60 days thereafter.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Eviction Moratorium Public Safety Exception Emergency Amendment Act of 2021”.

Sec. 2. Section 404 of the Coronavirus Support Emergency Amendment Act of 2020, effective March 17, 2021 (D.C. Act 24-030; 68 DCR 3101) is amended as follows:

(a) Subsection (a)(1)(B) is amended to read as follows:

“(B) A new subsection (b) is added to read as follows:

“(b) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code 7-2304.01), and for 60 days thereafter, the person aggrieved shall not file a complaint seeking relief pursuant to this section, except where the complaint alleges that:

26 “(1) The tenant’s continuing presence at the housing accommodation where the
27 tenant resides presents a current and substantial threat to the health and safety of tenants, on-site
28 agents or employees of the owners of the housing accommodation, or household members or
29 guests of other tenants, because the tenant has violated an obligation of tenancy by engaging in
30 unlawful possession of firearms or serious threats or acts of violence.

31 “(2) For purposes of this subsection, the term:

32 “(A) “Threat” shall be construed according to D.C. Official Code § 22-
33 407;

34 “(B) “Act of violence” shall have the same meaning as “crime of
35 violence” in D.C. Official Code § 23-1331(4);

36 “(C) “Unlawful possession of a firearm” shall be construed according to in
37 D.C. Official Code § 22-4503; and

38 “(D) “Assault” shall be construed according to D.C. Official Code § 22-
39 404.

40 “(3) Nothing in this section shall be construed to create an obligation on the part
41 of any person to pursue an eviction action under this subsection.

42 “(4) No tenant shall be evicted from a rental unit based on a complaint filed
43 under this subsection unless the court finds that the alleged violation of obligation of tenancy
44 meets all of the requirements of this subsection.

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46 (b) Subsection (a)(2) is amended to read as follows:

47 “(2) Section 16-1502 is amended as follows:

48 “(A) Strike the phrase “exclusive of Sundays and legal holidays” and insert
49 the phrase “exclusive of Sundays, legal holidays, and a period of time for which the Mayor has
50 declared a public health emergency pursuant to section 5a of the District of Columbia Public
51 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14- 194; D.C. Official Code § 7-
52 2304.01)” in its place.

53 “(B) Strike the phrase “before the day fixed for the trial of the action.”
54 and replace it with the phrase “before the day fixed for the initial hearing of the action; however,
55 a summons may be served during a period of time for which the Mayor has declared a public
56 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
57 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 60
58 days thereafter, if the summons relates to a complaint that is filed pursuant to the exception listed
59 in 16-1501(b).” in its place.”.

60 (c) Subsection (b) is amended to read as follows:

61 “(b) Section 501 of the Rental Housing Act of 1985, effective July 17, 1986 (D.C. Law
62 14-194; D.C. Official Code § 42-3505.01(k)) is amended as follows:

63 “(1) Subsection (k) is amended as follows:

64 “(A) Paragraph (1) is amended by striking the phrase “; or” and inserting
65 a semicolon in its place.

66 “(B) Paragraph (2) is amended by striking the period and inserting the
67 phrase “; or” in its place.

68 “(C) A new paragraph (3) is added to read as follows:

69 “(3) During a period of time for which the Mayor has declared a public health
70 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
71 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), except for
72 evictions arising from those complaints filed pursuant to the exception in D.C. Official Code §
73 16-1501(b) on or after the effective date of the Eviction Moratorium Public Safety Exception
74 Emergency Amendment Act of 2021, as introduced on April 6, 2021 (B24-XXX); provided, that
75 any family facing eviction pursuant to this paragraph shall be connected to assistance and
76 resources that support the coordination or continuation of youth education, social services, and
77 other resources before the eviction is carried out.

78 “(2) A new subsection (q-1) is added to read as follows:

79 “(q-1)(1) Subsection (q) of this section shall not apply to notices related to complaints
80 that allege that:

81 “(A) The tenant’s continuing presence at the housing accommodation where the
82 tenant resides presents a current and substantial threat to the health and safety of tenants, on-site
83 agents or employees of the owners of the housing accommodation, or household members or
84 guests of other tenants, because the tenant has violated an obligation of tenancy by engaging in
85 unlawful possession of firearms or serious threats or acts of violence.

86 “(B) For purposes of this subsection, the term:

87 “(A) “Threat” shall be construed according to D.C. Official Code § 22-
88 407;

89 “(B) “Act of violence” shall have the same meaning as “crime of
90 violence” in D.C. Official Code § 23-1331(4);

91 “(C) “Unlawful possession of a firearm” shall be construed according to
92 D.C. Code Section 22-4503; and

93 “(D) “Assault” shall be construed according to D.C. Official Code § 22-
94 404.

95 “(2) A notice issued pursuant to this subsection shall:

96 ”(A) “State that the tenant does not have to vacate the rental unit until and
97 unless a court orders them to do so;

98 “(B) State that the tenant has the right to correct or cease the alleged lease
99 violation and remain in the rental unit;

100 “(C) State that the tenant also has the right to dispute the landlord’s
101 allegations through the court process and remain in the rental unit until the court makes a
102 decision; and

103 “(D) Include the phone numbers of the Office of the Tenant Advocate and
104 the Landlord Tenant Legal Assistance Network and state that both resources provide free legal
105 services to tenants facing eviction.”.

106 Sec. 3. Fiscal impact statement.

107 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
108 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
109 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

110 Sec. 4. Effective date.

111 This act shall take effect following approval by the Mayor (or in the event of veto by the
112 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
113 90 days, as provided for emergency acts of the Council of the District of Columbia in section
114 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
115 D.C. Official Code § 1-204.12(a)).

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