

AN AMENDMENT

#1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DATE: April 6, 2021

OFFERED BY: Councilmember Anita Bonds

TO: B24-XXX, the “Coronavirus Support Temporary Amendment Act of 2021”

VERSION: Engrossed X

Amendment

Section 404 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:

“(1) The tenant’s continuing presence at the housing accommodation where the tenant resides presents a current and substantial threat to the health and safety of tenants, on-site agents or employees of the owners of the housing accommodation, or household members or

guests of other tenants, because the tenant has violated an obligation of tenancy by engaging in unlawful possession of firearms or serious threats or acts of violence.

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

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

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

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

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

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

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

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

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

“”(A) Strike the phrase “exclusive of Sundays and legal holidays” and insert the phrase “exclusive of Sundays, legal holidays, and 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)" in its place.

““(B) Strike the phrase "before the day fixed for the trial of the action." and replace it with the phrase “before the day fixed for the initial hearing of the action; however, a summons may be served 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, if the summons relates to a complaint that is filed pursuant to the exception listed in 16-1501(b)." in its place.”.

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

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

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

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

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

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

““(3) 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), except for

evictions arising from those complaints filed pursuant to the exception in D.C. Official Code § 16-1501(b) on or after the effective date of the Eviction Moratorium Public Safety Exception Emergency Amendment Act of 2021, as introduced on April 6, 2021 (B24-XXX); provided, that any family facing eviction pursuant to this paragraph shall be connected to assistance and resources that support the coordination or continuation of youth education, social services, and other resources before the eviction is carried out.

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

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

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

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

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

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

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

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

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

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

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

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

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

Rationale: The purpose of this amendment is to provide for a limited exception to the eviction moratorium, enacted by the Coronavirus Support Emergency 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.

Fiscal Impact