

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to extend the foreclosure moratorium and provide for greater opportunities for tenants with scheduled evictions authorized prior to March 11, 2020 to access assistance.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Foreclosure Moratorium Extension and Scheduled Eviction Assistance Emergency Declaration Resolution of 2021”.

Sec. 2. (a) On July 13, 2021, the Council approved the Public Emergency Extension and Eviction and Utility Moratorium Phasing Emergency Amendment Act of 2021, effective July 24, 2021 (D.C. Act 24-125; 68 DCR 7342), to phase out protections enacted by the Council during the COVID-19 public health emergency. Included in those protections is a moratorium on residential foreclosures, which will expire on November 5, 2021.

(b) In the American Rescue Plan Act of 2021 (Pub. L. 117-2), Congress established a Homeowner Assistance Fund to mitigate financial hardships experienced by homeowners during

37 the COVID-19 pandemic. These funds can be used to prevent mortgage delinquencies, defaults,
38 foreclosures, loss of utilities, and displacement of homeowners experiencing financial hardship
39 after January 21, 2020. The District will receive \$50 million.

40 (c) While the Congressional law was signed by President Joe Biden on March 11, 2021,
41 the United States Department of Treasury did not issue guidance until August 2, 2021, and the
42 District will be submitting a final plan to the Treasury on October 1, 2021. As it stands, Census
43 Bureau data suggests that approximately 7,000 owner-occupied households are behind on their
44 mortgage, and nearly 90% of these homes are owned and occupied by Black residents. To ensure
45 that the District has time to implement the plan before the foreclosure moratorium expires, it is
46 necessary to extend the residential foreclosure moratorium from November 5, 2021 to December
47 31, 2021.

48 (d) D.C. Act 24-125 also contains provisions requiring housing providers to issue notices
49 to tenants for evictions that were authorized prior to March 11, 2021 and rescheduled. Since the
50 approval of the Act, nearly 300 such evictions have been scheduled. Community-based
51 organizations and the Department of Human Services are working to address arrearages of
52 tenants and avert evictions in these cases. However, two issues have come up that require
53 legislative fixes.

54 (e) First, community-based organizations have noted that the notice requirements for
55 these eviction cases do not require housing providers to include information on the amount of
56 rent owed by the tenant, or information on rental assistance programs and legal services. To
57 ensure that tenants have accurate and useful information on the notice, it is necessary to require
58 housing providers to include the total amount of rent owed, let the tenant know about programs
59 that may assist them in paying the balance, and include the phone numbers for the Office of

60 Tenant Advocate and the Landlord Tenant Legal Assistance Network if the eviction is scheduled
61 to occur on or after November 16, 2021.

62 (f) Second, even where a tenant has had an emergency rental assistance program (ERAP)
63 and/or STAY DC application pending, community-based organizations have indicated that
64 housing providers and the court may not be aware that the tenant has an application pending, and
65 therefore are unable to petition the court to issue a stay to postpone the eviction and see if funds
66 will be available to address the tenant's outstanding balance. To rectify this, it is necessary to
67 require housing providers with scheduled evictions that were authorized prior to March 11, 2021
68 to contact the Department of Human Services no earlier than five business days and no later than
69 48 hours prior to the scheduled date and time of the eviction to determine whether an ERAP
70 and/or STAY DC application is pending, and where an application is pending, to require housing
71 providers to reschedule the eviction no earlier than three weeks from the prior scheduled eviction
72 date to allow time for the applications to be processed and funds to be distributed if the
73 application is approved.

74 Sec. 3. The Council of the District of Columbia determines that the circumstances in
75 section 2 constitute emergency circumstances, making it necessary that the "Foreclosure
76 Moratorium Extension and Scheduled Eviction Assistance Emergency Amendment Act of 2021"
77 be adopted after a single reading.

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