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Chairman Phil Mendelson

Councilmember Mary M. Cheh

Councilmember Anita Bonds

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Rental Housing Act of 1985 to require a housing provider to serve a written notice to vacate on a tenant before evicting the tenant for any reason, to require a housing provider to provide the tenant with notice of the housing provider’s intent to file a claim against a tenant to recover possession of a rental unit at least 30 days before filing the claim, to require the Superior Court to dismiss a claim brought by a housing provider to recover possession of a rental unit where the housing provider, in cases where a notice to quit or a summons and complaint are served by posting on the leased premise, failed to provide the Superior Court with photographic evidence of the posted service, to provide that no tenant shall be evicted from a rental unit for which the housing provider does not have a current business license for rental housing, to require the Superior Court to seal certain eviction records, to authorize the Superior Court to seal certain evictions records upon motion by a tenant, to provide that a housing provider shall not make an inquiry about, require the prospective tenant to disclose or reveal, or base an adverse action on certain criteria, to require a housing provider to provide written notice to a prospective tenant of the housing provider’s basis for taking adverse action against the prospective tenant, to provide the tenant an opportunity to dispute the information forming the basis of the housing provider’s adverse action; and to amend section 16-1501 of the District of Columbia Official Code to provide that the person aggrieved shall not file a complaint seeking restitution of possession for nonpayment of rent in an amount less than \$600.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fairness in Renting Emergency Declaration Resolution of 2020”.

43 Sec. 2. (a) On October 6, 2020, the Council passed the Fairness in Renting Emergency
44 Amendment Act of 2021, effective November 10, 2020 (D.C. Act 23-497; 67 DCR 13949)
45 (“emergency act”), which expired on February 7, 2021.

46 (b) On October 20, 2020, the Council passed the Fairness in Renting Temporary
47 Amendment Act of 2021, effective March 16, 2021 (D.C. Law 23-255; 67 DCR 13959)
48 (“temporary act”), which will expire on October 27, 2021.

49 (c) The Eviction Record Sealing Authority Amendment Act of 2021, as introduced on
50 February 23, 2021 (Bill 24-96), and the Eviction Protections and Tenant Screening Amendment
51 Act of 2021, as introduced on March 1, 2021 (Bill 24-119), are currently before the Committee on
52 Housing and Executive Administration and together serve as a permanent version of this
53 emergency legislation.

54 (d) This emergency legislation is substantively identical to the prior emergency act and
55 temporary act, but for language clarifying that eviction records may be unsealed upon showing
56 of good cause and upon a balancing of the interests of the tenant for nondisclosure, for scholarly,
57 educational, journalistic, or governmental purposes only; the court, however, would be required
58 to redact or otherwise remove any information from the record that could be used to identify
59 either party to the litigation. Following the passage of the original emergency legislation,
60 individuals researching evictions in the District were no longer to access this data, limiting their
61 work; this language will ensure that data is still made available, while ensuring the data as
62 released cannot be used to identify a particular tenant.

63 (e) This emergency legislation is necessary to prevent a gap in the law between the
64 expiration of the temporary act and the passage of the permanent legislation.

65 Sec. 3. The Council of the District of Columbia determines that the circumstances
66 enumerated in section 2 constitute emergency circumstances making it necessary that the Fairness
67 in Renting Emergency Amendment Act of 2021 be adopted after a single reading.

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