

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 3B
GLOVER PARK AND CATHEDRAL HEIGHTS



November 10, 2016

Council of the District of Columbia

The Honorable Phil Mendelson, Chairman
The Honorable Anita Bonds (At Large)
The Honorable David Grosso (At Large)
The Honorable Elissa Silverman (At Large)
The Honorable Robert White, Jr. (At Large)
The Honorable Brianne Nadeau (Ward 1)
The Honorable Jack Evans (Ward 2)
The Honorable Mary M. Cheh (Ward 3)
The Honorable Brandon T. Todd (Ward 4)
The Honorable Kenyan McDuffie (Ward 5)
The Honorable Charles Allen (Ward 6)
The Honorable Yvette M. Alexander (Ward 7)
The Honorable LaRuby May (Ward 8)

The John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Chairman Mendelson and the Council of the District of Columbia:

As the Commissioners of ANC 3B Glover Park-Cathedral Heights, we commend you for four significant pieces of legislation for improving tenant protections in the District, which you approved on a first vote on November 1, 2016, with the unanimous support of those voting:

Bill 21-0146, "Rent Control Hardship Petition Limitation Amendment Act of 2015"
Bill 21-0173, "Elderly and Tenants with Disabilities Protection Amendment Act of 2016"
Bill 21-0420, "Residential Lease Amendment Act of 2016"
Bill 21-0656, "Relocation Expenses Recoupment and Lien Authority Amendment Act of 2016"

We hope you will maintain your support for these bills. Our constituents include a substantial number of tenants, including in rent-controlled apartments, and the bills provide important improvements for them.

Introduced March 17, 2015, and marked up on October 14, 2016, with sponsorship by Chairman Mendelson and Councilmembers Bonds, Silverman, Nadeau, Cheh, and Grosso, bill B21-0146 “Rent Control Hardship Petition Limitation Amendment Act of 2015” would improve the process of resolving hardship petitions from housing providers to give the providers more timely resolution of those cases and also ensure fairness for tenants. The bill requires that rent increases requested by landlords pursuant to a hardship petition must be decided by the Rent Administrator within 90 days after the petition has been filed. If certain requirements are met and the Rent Administrator has not rendered a decision within 90 days, the rent adjustment requested in the petition may be conditionally implemented by the landlord at the end of the 90-day period, provided that the conditional rent increase shall not exceed 5% of the current rent charged in properties reporting negative net income. No conditional rent increases would be allowed if the hardship petition is submitted for properties reporting positive net income. This rent increase may be modified by the final decision of the Rent Administrator on the hardship petition. If the Rent Administrator denies the requested rent increase or approves an amount less than the conditional increase charged by the landlord, the difference shall be returned to the tenant within 21 calendar days of the Rent Administrator's order. Hardship petitions, like other housing provider petitions, would not be allowed to take effect until after tenants had an opportunity to contest them and have the petitions adjudicated.

Introduced April 14, 2015, and marked up October 14, 2016, with sponsorship by Chairman Mendelson and Councilmembers Bonds, Nadeau, Alexander, and Cheh, bill B21-0173 “Elderly and Tenants with Disabilities Protection Amendment Act of 2016” calls for new rental protections for the elderly and people with disabilities. It caps rent increases for these groups at 5 percent, or the annual increase in the Consumer Price Index, or the annual Social Security cost-of-living adjustment, whichever is lowest; requires the Rental Housing Commission to publish the maximum rent increase that an elderly tenant or tenant with a disability may be charged, and requires landlords to notify elderly tenants and tenants with disabilities of those maximum rent increases to which they can be subject; forbids landlords from raising rents on the elderly or people with disabilities through a capital improvement increase and also exempts the elderly and tenants with disabilities from all other housing provider petitions; raises the maximum allowable annual income of an elderly person or person with disabilities eligible for protection under the law from \$40,000 to its current-day equivalent of 80% of the Area Median Income (AMI); and improve the process for a tenant to establish or appeal elder or disability status.

As introduced by Councilmember Cheh on October 6, 2015, marked up on October 14, 2016, reported out of committee on October 25, 2016, bill B21-0420 “Residential Lease Amendment Act of 2016” prohibits any mandatory fee to tenants for services or facilities except as included in the maximum rent charged; prohibits a housing provider from entering a rental unit without a reasonable purpose at a reasonable time, and with reasonable notice to the tenant; requires that a housing provider have an affirmative duty to mitigate damages due to a tenant’s breach of a rental agreement; clarifies that a tenant in a month-to-month tenancy is never required to provide more than 30-day notice of the tenant’s intention to vacate the premises; stipulates that where the lease requires the housing provider’s consent for a sublet or says nothing about it that the consent be based on reasonable rental guidelines furnished to the tenant upon request; requires damages to be paid to a tenant when a housing provider places a prohibited provision in a lease in bad faith; and adds tenant protections concerning issues arising from ordinary wear and tear of apartments and their furnishings..

Introduced by Councilmembers Nadeau and Silverman on March 1, 2016, and co-sponsored by Councilmembers Bonds, Allen, and Alexander, bill B21-0656 “Relocation Expenses Recoupment and Lien Authority Amendment Act of 2016,” marked up on October 14 and November 1, 2016, gives the District collection authority to recoup the cost of emergency housing assistance provided for displaced tenants for 30 days, plus moving costs, 60 days of storage for personal property, rental application fees and the first month’s rent, where the tenants have been displaced by emergency order due to conditions arising from circumstances within the control of the housing provider affecting maintenance of the rental accommodation.

As you know, finding affordable housing is an increasing challenge in our city, and our seniors, people with disabilities, and residents with limited income need to be able to count on adequate protections under the law. The provisions you approved in your first vote on these four bills are significant steps to protect tenants and also accommodate housing providers' interest in maintaining positive net income on their properties.

We must continue to try to prevent the most vulnerable of our citizens from being left without an acceptable place to live or required to pay rents that put them at risk of having to sacrifice other basic needs in order to survive. With the four pieces of legislation before the Council, you have weighed the interests of all parties carefully and developed balanced terms that resolve a number of troublesome gaps in current law.

We thank you for your work in improving the protections for residents who are renting apartments in our city. We submit these comments with the hope that you will continue your efforts to advance that goal by adopting the bills in your second vote scheduled for November 15 so these tenant protections can be enacted before the end of this legislative term.

Sincerely,



Jackie Blumenthal, Chairman and Commissioner, ANC3B02



Ann Mladinov, Commissioner, ANC3B01



Melissa Lane, Commissioner, ANC3B03



Mary C. Young, Commissioner, ANC3B04



Brian Turmail, Commissioner, ANC3B05

This letter was approved by the Commission by a vote of 5-0 at the Commission's duly noticed public meeting on December 8, 2016, at which a quorum was present. (A quorum is 3 of the 5 members.)