

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Coronavirus Support Emergency Amendment Act of 2020, the Coronavirus Support Temporary Amendment Act of 2020, and the Coronavirus Support Congressional Review Emergency Amendment Act of 2020 to make certain technical corrections to Section 402 “Tenant payment plans”.

BE IT ENACTED BY THE COUNCIL DISTRICT OF COLUMBIA, That this act may be cited as the Coronavirus Support Tenant Payment Plans Technical Corrections Emergency Amendment Act of 2020”.

Sec. 2. Section 402 of the Coronavirus Support Emergency Amendment Act of 2020, effective May 27, 2020 (D.C. Act 23-0326; D.C. Official Code § _____), is amended as follows:

(a) Subsection (a) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

“(1) Make a payment plan available to an eligible tenant for the payment of gross rent and any other monetary amounts that come due under the lease during the program period and prior to the cessation of tenancy (“covered time period”), with a minimum term length of one year unless a shorter payment plan term length is requested by the eligible tenant.”.

(2) Paragraph (4) is amended to read as follows:

28 “(4) Provide that an eligible tenant does not lose any rights under the lease by
29 entering into the payment plan; and”.

30 (b) Subsection (d)(1) is amended to read as follows:

31 “(1) Demonstrates to the provider evidence of a financial hardship resulting
32 directly or indirectly from the public health emergency, regardless of an existing delinquency or
33 a future inability to make rental payments established prior to the start of the public health
34 emergency; and”.

35 (c) Subsection (f) is amended to read as follows:

36 “(f)(1) A residential tenant may file a written complaint with the Rent Administrator if
37 the provider:

38 “(A) Denies or fails to act upon an application for a payment plan;

39 “(B) Offers terms that the tenant contends are unreasonable or have been
40 made in bad faith; or

41 “(C) Violates any provision of this section.

42 “(2) A commercial tenant may file a written complaint with the Department of
43 Consumer and Regulatory Affairs if the provider:

44 (A) Denies or fails to act upon an application for a payment plan;

45 (B) Offers terms that the tenant contends are unreasonable or have been
46 made in bad faith; or

47 (C) Violates any provision of this section.

48 “(3) The Rent Administrator shall forward the complaint to the Office of
49 Administrative Hearings for adjudication.”.

50 (d) Subsection (g) is amended to read as follows:

51 “(g) During the program period, unless the provider has offered a rent payment plan
52 pursuant to this section, and approved a rent payment plan pursuant to subsection (d), that
53 provider shall be prohibited from filing any collection lawsuit or eviction for non-payment of
54 rent or any other monetary amounts due under the lease, provided that the tenant does not default
55 on the terms of the payment plan.”.

56 Sec. 3. Section 402 of the Coronavirus Support Temporary Amendment Act of 2020,
57 effective _____, 2020 (D.C. Bill 23-0758; D.C. Official Code § _____), is amended as
58 follows:

59 (a) Subsection (a) is amended as follows:

60 (1) Paragraph (1) is amended to read as follows:

61 “(1) Make a payment plan available to an eligible tenant for the payment of gross
62 rent and any other monetary amounts that come due under the lease during the program period
63 and prior to the cessation of tenancy (“covered time period”), with a minimum term length of
64 one year unless a shorter payment plan term length is requested by the eligible tenant.”.

65 (2) Paragraph (4) is amended to read as follows:

66 “(4) Provide that an eligible tenant does not lose any rights under the lease by
67 entering into the payment plan; and”.

68 (b) Subsection (d)(1) is amended to read as follows:

69 “(1) Demonstrates to the provider evidence of a financial hardship resulting
70 directly or indirectly from the public health emergency, regardless of an existing delinquency or
71 a future inability to make rental payments established prior to the start of the public health
72 emergency; and”.

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78 made in bad faith; or

79 “(C) Violates any provision of this section.

80 “(2) A commercial tenant may file a written complaint with the Department of
81 Consumer and Regulatory Affairs if the provider:

82 (A) Denies or fails to act upon an application for a payment plan;

83 (B) Offers terms that the tenant contends are unreasonable or have been
84 made in bad faith; or

85 (C) Violates any provision of this section.

86 “(3) The Rent Administrator shall forward the complaint to the Office of
87 Administrative Hearings for adjudication.”.

88 (d) Subsection (g) is amended to read as follows:

89 “(g) During the program period, unless the provider has offered a rent payment plan
90 pursuant to this section, and approved a rent payment plan pursuant to subsection (d), that
91 provider shall be prohibited from filing any collection lawsuit or eviction for non-payment of
92 rent or any other monetary amounts due under the lease, provided that the tenant does not default
93 on the terms of the payment plan.”.

94 Sec. 4. Section 402 of the Coronavirus Support Congressional Review Emergency
95 Amendment Act of 2020, effective _____, 2020 (D.C. Bill 23-0759; D.C. Official Code §
96 _____), is amended as follows:

97 (a) Subsection (a) is amended as follows:

98 (1) Paragraph (1) is amended to read as follows:

99 “(1) Make a payment plan available to an eligible tenant for the payment of gross
100 rent and any other monetary amounts that come due under the lease during the program period
101 and prior to the cessation of tenancy (“covered time period”), with a minimum term length of
102 one year unless a shorter payment plan term length is requested by the eligible tenant.”.

103 (2) Paragraph (4) is amended to read as follows:

104 “(4) Provide that an eligible tenant does not lose any rights under the lease by
105 entering into the payment plan; and”.

106 (b) Subsection (d)(1) is amended to read as follows:

107 “(1) Demonstrates to the provider evidence of a financial hardship resulting
108 directly or indirectly from the public health emergency, regardless of an existing delinquency or
109 a future inability to make rental payments established prior to the start of the public health
110 emergency; and”.

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115 “(B) Offers terms that the tenant contends are unreasonable or have been
116 made in bad faith; or

117 “(C) Violates any provision of this section.

118 “(2) A commercial tenant may file a written complaint with the Department of
119 Consumer and Regulatory Affairs if the provider:

- 120 (A) Denies or fails to act upon an application for a payment plan;
121 (B) Offers terms that the tenant contends are unreasonable or have been
122 made in bad faith; or
123 (C) Violates any provision of this section.

124 “(3) The Rent Administrator shall forward the complaint to the Office of
125 Administrative Hearings for adjudication.”.

126 (d) Subsection (g) is amended to read as follows:

127 “(g) During the program period, unless the provider has offered a rent payment plan
128 pursuant to this section, and approved a rent payment plan pursuant to subsection (d), that
129 provider shall be prohibited from filing any collection lawsuit or eviction for non-payment of
130 rent or any other monetary amounts due under the lease, provided that the tenant does not default
131 on the terms of the payment plan.”.

132 Sec. 5. Fiscal impact statement.

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

136 Sec. 6. Effective date.

137 This act shall take effect following approval by the Mayor (or in the event of veto by the
138 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
139 90 days, as provided for emergency acts of the Council of the District of Columbia in section
140 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
141 D.C. Official Code § 1-204.12(a)).