

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 Coronavirus Support Temporary Amendment Act of 2021 to update certification for utility disconnection relief criteria; to amend DC Code 16-1501 to remove requirements for housing providers to apply for STAY DC; to allow tenants to declare financial hardship incurred during the public health emergency as a defense in an eviction case; to amend Section 501(b-1) of the Rental Housing Act of 1985 to update non-payment of rent notice provisions; and to create a tenant financial hardship declaration form.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Tenant Safe Harbor Emergency Declaration Resolution of 2021”.

Sec. 2. (a) On March 11, 2020, the Mayor of the District of Columbia issued Mayor’s Order 2020-045 and 2020-046, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19. The necessary shut down of businesses and restrictions on various activities in the District caused tens of thousands of District residents to lose jobs and income, resulting in a significant number of renter-occupied households falling behind on rent.

(b) To provide relief to renters in the District and across the country, Congress provided emergency rent relief through Consolidated Appropriations Act of 2021 (P.L. 116-260) and the American Rescue Plan Act (P.L. 117-2). The District received \$352 million in emergency rent

relief through these laws, and established the Stronger Together by Assisting You (STAY DC) program to distribute the funds to eligible residents in the District.

(c) On July 12, 2021, the Council unanimously approved the Public Emergency Extension and Eviction and Utility Moratorium Phasing Emergency Amendment Act of 2021 (D.C. Act 24-125; 68 DCR 7342). The Act requires housing providers or tenants to apply to STAY DC and wait 60 days for the application to be processed before a housing provider may file an eviction case for non-payment of rent. The Act also required housing providers to issue a notice of non-payment of rent to tenants describing the STAY DC program and outlining the requirements of the statute. The earliest a housing provider could file a new non-payment of rent case was October 12, 2021.

(d) On October 14, 2021, the Mayor announced that the STAY DC portal would close on 7:00 p.m. on October 27, 2021. According to the announcement, the District had distributed or used a total of \$235.3 million out of the total \$352 million available. An estimated \$105.3 million in funds were being processed for applications undergoing review, leaving just over \$11 million in unobligated funding. While the District may receive additional funding from Treasury when excess funds from other jurisdictions are reallocated, this will not occur until March 31, 2022 at the earliest.

(e) With the closure of STAY DC, the requirements of the Public Emergency Extension and Eviction and Utility Moratorium Phasing Emergency Amendment Act of 2021 are no longer feasible. Yet, there are still thousands of tenants who may not receive STAY DC funding, remain behind on rent, and are therefore at risk of eviction. The latest data from the Census Bureau's Household Pulse Survey suggests that nearly 17,000 households are still behind on rent.

58 (f) Given the current situation, it is necessary to revise notice requirements for non-
59 payment cases, and to provide tenants in non-payment cases the right to raise financial hardship
60 during the public health emergency as a defense in eviction cases.

61 (g) In addition, on October 5, 2021, the Council adopted a mandatory vaccination policy.
62 However, it was discovered that a conforming amendment should be made to the law to clarify
63 the Chairman's authority to enforce the requirement.

64 Sec. 3. The Council of the District of Columbia determines that the circumstances in
65 section 2 constitute emergency circumstances, making it necessary that the "Tenant Safe Harbor
66 Emergency Amendment Act of 2021" be adopted after a single reading.

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