



**COMMITTEE PRINT**  
**B24-0096, the “Eviction Record Sealing Authority and Fairness in Renting**  
**Amendment Act of 2021”**  
**12.1.2021**

34 (a) The existing text is designated as subsection (a).

35 (b) New subsections (b), (c), and (d) are added to read as follows:

36 “(b) The person aggrieved shall not file a complaint seeking restitution of possession  
37 pursuant to this section for nonpayment of rent in an amount less than \$600. Nothing in this  
38 subsection shall prevent the person aggrieved from filing a complaint to recover the amount owed.

39 “(c)(1) The person aggrieved shall not file a complaint seeking restitution of possession  
40 pursuant to this section without a valid rental registration or claim of exemption pursuant to section  
41 205 of the Rental Housing Act, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-  
42 3502.05), and a current license for rental housing issued pursuant to D.C. Official Code § 47-  
43 2828(c)(1), as certified at the time of filing and documented at the initial hearing.

44 “(2) The Court may waive the requirements for a current license for rental housing in  
45 this subsection if the person aggrieved can demonstrate that they were unable to obtain or renew a  
46 current rental housing license due to extenuating circumstances.

47 “(3) The requirements of this subsection shall not apply to complaints involving  
48 subtenants.

49 “(d) At the initial hearing for any complaint for possession, if the complaint does not allege  
50 sufficient facts or the person aggrieved has not produced sufficient documentation to meet all  
51 requirements under District law, the Court shall dismiss the complaint.”.

52 Sec. 3. Title V of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10;  
53 D.C. Official Code § 42-3505.01 *et seq.*), is amended as follows:

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54 (a) Section 501 (D.C. Official Code § 42-3505.01) is amended as follows:

55 (1) Subsection (a) is amended to read as follows:

56 “(a)(1) Except as provided in this section, no tenant shall be evicted from a rental unit,  
57 notwithstanding the expiration of the tenant's lease or rental agreement, so long as the tenant  
58 continues to pay the rent to which the housing provider is entitled for the rental unit; provided, that  
59 the nonpayment of a late fee shall not be the basis for an eviction. No tenant shall be evicted from a  
60 rental unit for any reason unless the tenant has been served with a written notice which meets the  
61 requirements of this section. Notices for all reasons other than for nonpayment of rent shall be  
62 served upon both the tenant and the Rent Administrator.

63 “(2) If a notice is served by posting a copy on the premises, a photograph of the  
64 posted notice must be submitted to the court. The photograph must have a readable timestamp that  
65 indicates the date and time of when the summons was posted.

66 “(3) If the landlord knows the tenant speaks a primary language other than English  
67 or Spanish that is covered under the Language Access Act of 2004, effective June 19, 2004 (D.C.  
68 Law 15-167; D.C. Official Code [§ 2-1933](#)), the landlord must provide the notice in that language.

69 “(4) The Court shall dismiss a claim brought by a housing provider to recover  
70 possession of a rental unit where the housing provider:

71 “(A) Did not provide notice as required by this section;

72 “(B) Filed the claim to recover possession of the rental before the number of  
73 days of notice required by this section has elapsed;

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74 “(C) In cases where a notice to quit or a summons and complaint are served  
75 by posting on the leased premise, failed to provide the Superior Court with photographic evidence  
76 of the posted service with a readable timestamp that indicates the date and time of when the notice  
77 or summons were posted, or”.

78 “(D) In cases where the landlord knows the tenant speaks a primary language  
79 other than English or Spanish that is covered under § 2-1933, failed to provide the notice required  
80 by this section in that language.”.

81 (2) A new subsection (a-1) is added to read as follows:

82 “(a-1) (1) A housing provider shall provide the tenant with notice of the housing provider’s  
83 intent to file a claim against a tenant to recover possession of a rental unit for the non-payment of  
84 rent at least 30 days before filing the claim.

85 “(2) Notice provided to a tenant shall contain the following or substantively similar  
86 language:

87 “The total amount of rent owed is [list specific amount due]. A ledger showing the  
88 dates of rent charges and payments for the period of delinquency is attached. **You have the right to**  
89 **remain in the rental unit** if the total balance of unpaid rent is paid in full.

90 “[Name of housing provider] has the right to file a case in court seeking your eviction  
91 if you do not pay the balance of unpaid rent in full within 30 days of this notice.

92 “You have the right to defend yourself in court. Only a court can order your eviction.  
93 For further help or to seek free legal services, contact the Office of the Tenant Advocate at 202-719-  
94 6560 or the Landlord Tenant Legal Assistance Network at 202-780-2575.”.

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95                   (3) Subsection (b) is amended to read as follows:

96                   “(b) A housing provider may recover possession of a rental unit when the tenant is violating  
97 an obligation of tenancy, other than nonpayment of rent, and fails to correct the violation within 30  
98 days after receiving notice from the housing provider.”

99                   (4) A new subsection (r) is added to read as follows:

100                   “(r) No tenant shall be evicted from a rental unit unless the housing provider provides  
101 documentation to the court at the time of filing a writ of restitution demonstrating that the housing  
102 provider has a current business license for rental housing issued pursuant to D.C. Official Code §  
103 47-2828(c)(1), unless the court waived the license requirement. The requirements of this subsection  
104 shall not apply to complaints involving subtenants.

105                   (b) New sections 509 and 510 are added to read as follows:

106                   “Sec. 509. Sealing of eviction court records.

107                   “(a) The Superior Court shall seal all court records relating to an eviction proceeding:

108                   “(1) If the eviction proceeding does not result in a judgment for possession in favor  
109 of the housing provider, 30 days after the final resolution of the eviction proceeding; or

110                   “(2) If the eviction proceeding results in a judgement for possession in favor of the  
111 housing provider, 3 years after the final resolution of the eviction proceeding.

112                   “(b) For court records relating to an eviction proceeding filed before March 11, 2020, the  
113 requirements of subsection (a) of this section shall apply as of January 1, 2022.

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114 “(c)(1) The Superior Court shall seal court records relating to an eviction proceeding at any  
115 time, upon motion by a tenant, if:

116 “(A) The tenant demonstrates by a preponderance of the evidence that:

117 “(i) The housing provider brought the eviction proceeding because  
118 the tenant failed to pay an amount of \$600 or less;

119 “(ii) The tenant was evicted from a unit under any federal or District  
120 site-based housing subsidy program, or any federal or District tenant-based housing subsidy  
121 program;

122 “(iii) The housing provider’s initiation of eviction proceedings against  
123 the tenant was in violation of:

124 “(I) Section 502; or

125 “(II) Section 261 of the Human Rights Act of 1977, effective  
126 December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.61);

127 “(iv) The housing provider failed to timely abate a violation of 14  
128 DCMR § 100 *et seq.* or 12G DCMR 100 *et seq.* in relation to the defendant tenant’s rental unit;

129 “(v) The housing provider initiated the eviction proceedings because  
130 of an incident that would constitute a defense to an action for possession under section 501(c-1) or  
131 federal law pertaining to domestic violence, dating violence, sexual assault, or stalking; or

132 “(vi) The parties entered into a settlement agreement that did not  
133 result in the housing provider recovering possession of the unit; or

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134 “(B) The Superior Court determines that there are other grounds justifying  
135 such relief.

136 “(2) An order dismissing, granting, or denying a motion filed under this subsection  
137 shall be a final order for purposes of appeal.

138 “(3)(A) A copy of an order issued under this subsection shall be provided to the  
139 tenant or his or her counsel.

140 “(B) A tenant may obtain a copy of an order issued under this subsection at  
141 any time from the Clerk of the Superior Court, upon proper identification, without a showing of  
142 need.

143 “(d) Records sealed under this section shall be opened:

144 “(1) Upon written request of the tenant; or

145 “(2) On order of the Superior Court upon a showing of compelling need.”.

146 “(e) The court may release records sealed under this section for scholarly, educational,  
147 journalistic, or governmental purposes, upon a balancing of the interests of the tenant for  
148 nondisclosure against the interests of the requesting party; provided, that personally identifiable  
149 information about the tenant, such as the name and address shall only be disclosed after:

150 “(A) Submission of a written request to the court by a researcher;

151 “(B) Approval by the court through the execution of a written data use  
152 agreement that describes the research project;

153 “(C) Documented applicable Institutional Review Board approval;

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154                   “(D) Provision of documented procedures to protect the confidentiality and  
155 security of the information; and

156                   “(E) Provision of documented procedures for data storage and the data destruction  
157 method to be used for the information provided.”.

158                   “(f) Any agreement pursuant to which personally identifiable information contained in a  
159 court record or report is disclosed shall:

160                   “(1) Prohibit the re-release of any personally identifiable information without explicit  
161 permission from the court;

162                   “(2) Require that the information shall be used solely for research or administrative  
163 purposes;

164                   “(3) Require that the information shall be used only for the project described in the  
165 application;

166                   “(4) Prohibit the use of the information as a basis for legal, administrative, or any  
167 other action that directly affects any individual or institution identifiable from the data;

168                   “(5) Set forth the payment, if any, to be provided by the researcher to the court for  
169 the specified research project; and

170                   “(6) Require that ownership of data provided under the agreement shall remain with  
171 the court, not the researcher or the research project.

172                   “(g) The Superior Court shall not order the redaction of the tenant’s name from any  
173 published opinion of the trial or appellate courts that refer to a record sealed under this section.



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174 “(h)(1) Where a housing provider intentionally bases an adverse action taken against a  
175 prospective tenant on an eviction court record that the housing provider knows to be sealed  
176 pursuant to this section, the prospective tenant may bring a civil action in the Superior Court of the  
177 District of Columbia within one year after the alleged violation and, upon prevailing, shall be entitled  
178 to the following relief:

179 “(A) Reasonable attorneys’ fees and costs;

180 “(B) Incidental damages; and

181 “(C) Equitable relief as may be appropriate.

182 “(2) For the purposes of this section, the term “adverse action” means:

183 “(A) Denial of a prospective tenant’s rental application; or

184 “(B) Approval of a prospective tenant’s rental application, subject to terms or  
185 conditions different and less-favorable to the prospective tenant than those included in any written  
186 notice, statement, or advertisement for the rental unit, including written communication sent directly  
187 from the housing provider to a prospective tenant.

188 “Sec. 510. Tenant screening.

189 “(a) Before requesting any information or fees from a prospective tenant as a part of tenant  
190 screening, a housing provider shall first notify the prospective tenant in writing, or by posting in a  
191 manner accessible to prospective tenants:

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192                   “(1) The amount and purpose of each fee or deposit, whether mandatory or  
193 voluntary, that may be charged to a tenant or prospective tenant and whether the fee or deposit is  
194 refundable;

195                   “(2) The types of information that will be accessed to conduct a tenant screening;

196                   “(3) The specific criteria that will result in denial of the application;

197                   “(4) Any additional criteria that may result in denial of the application;

198                   “(4) If a credit or consumer report is used, the name and contact information of the  
199 credit or consumer reporting agency and a statement of the prospective tenant’s rights to obtain a  
200 free copy of the credit or consumer report in the event of a denial or other adverse action;

201                   “(5) The approximate quantity of rental units that will be available for rent over a  
202 specified period, by bedroom size and monthly rent; and

203                   “(6) The number of days after receipt of a prospective tenant’s application that the  
204 housing provider will respond with an approval or denial decision.

205                   “(b) A housing provider may require a prospective tenant to pay an application fee of no  
206 more than the greater of \$35 or the actual cost of obtaining information for screening a prospective  
207 tenant.

208                   “(c) If a housing provider fails to conduct a screening of a prospective applicant for any  
209 reason, the housing provider shall refund any application fee paid by the prospective tenant within a  
210 reasonable time, not to exceed 14 days.

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211           “(d) For the purposes of tenant screening, a housing provider shall not make an inquiry  
212 about, require the prospective tenant to disclose or reveal, or base an adverse action on:

213                   “(1) Whether a previous action to recover possession from the prospective tenant  
214 occurred if the action:

215                           “(A) Did not result in a judgment for possession in favor of the housing  
216 provider; or

217                           “(B) Was filed 3 or more years ago.

218                   “(2) Any allegation of a breach of lease by the prospective tenant if the alleged  
219 breach:

220                           “(A) Stemmed from an incident that the prospective tenant demonstrates  
221 would constitute a defense to an action for possession under section 501(c-1) or federal law  
222 pertaining to domestic violence, dating violence, sexual assault, or stalking; or

223                           “(B) Took place 3 or more years ago.

224           “(e) A housing provider shall not base an adverse action solely on a prospective tenant’s  
225 credit score, although information within a credit or consumer report directly relevant to fitness as a  
226 tenant can be relied upon by a housing provider.

227           “(f) If a housing provider takes an adverse action, he or she shall provide a written notice of  
228 the adverse action to the prospective tenant that shall include:

229                   “(1) The specific grounds for the adverse action;

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230                   “(2) A copy or summary of any information obtained from a third-party that formed  
231 a basis for the adverse action; and

232                   “(3) A statement informing the prospective tenant of his or her right to dispute the  
233 accuracy of any information upon which the housing provider relied in making his or her  
234 determination.

235                   “(g)(1) After receipt of a notice of an adverse action, a prospective tenant may provide to the  
236 housing provider any evidence that information relied upon by the housing provider is:

237                                   “(A) Inaccurate or incorrectly attributed to the prospective tenant; or

238                                   “(B) Based upon prohibited criteria under subsection (d) of this section.

239                   “(2) The housing provider shall provide a written response, which may be by mail,  
240 electronic mail, or in person, to the prospective tenant with respect to any information provided  
241 under this subsection within 30 business days after receipt of the information from the prospective  
242 tenant.

243                   “(3) Nothing in this subsection shall be construed to prohibit the housing provider  
244 from leasing a housing rental unit to other prospective tenants.

245                   “(h) Any housing provider who knowingly violates any provision of this section, or any rule  
246 issued to implement this section, shall be subject to a civil penalty for each violation not to exceed  
247 \$1,000.

248                   “(i) For the purposes of this section, the term:

249                                   “(1) “Adverse action” means:

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250 “(A) Denial of a prospective tenant’s rental application; or

251 “(B) Approval of a prospective tenant’s rental application, subject to terms or  
252 conditions different and less-favorable to the prospective tenant than those included in any written  
253 notice, statement, or advertisement for the rental unit, including written communication sent directly  
254 from the housing provider to a prospective tenant.

255 “(2) “Tenant screening” means any process used by a housing provider to  
256 evaluate the fitness of a prospective tenant.”.”

257 Sec. 4. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C.  
258 Official Code § 2-1401.01 et seq.), is amended as follows:

259 (a) Section 101 (D.C. Official Code § 2-1401.01) is amended by striking the phrase “source  
260 of income” and inserting the phrase “source of income, sealed eviction record” in its place.

261 (b) Section 102 (D.C. Official Code § 2-1401.02) is amended as follows:

262 (1) Paragraph (27B) is redesignated as paragraph (27C)

263 (2) A new paragraph (27B) is added to read as follows:

264 “(27B) “Sealed eviction record” means an eviction record that has been sealed  
265 pursuant to section 509 of The Rental Housing Act of 1985, as introduced on DATE February 23,  
266 2019 2021 (Bill 243-096XXX).”.

267 (3) Paragraph 29) is amended by striking the phrase “federal payments” and inserting  
268 the phrase “federal or District payments” in its place.

269 (c) Section 221 (D.C. Official Code § 2-1402.21) is amended as follows:

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270 (1) Subsection (a) is amended by striking the phrase “source of income” and  
271 inserting the phrase “source of income, sealed eviction record” in its place.

272 (2) Subsection (a)(5) is amended by striking the phrase “source of income” and  
273 inserting the phrase “source of income, sealed eviction record” in its place.

274 (3) New subsections (g) and (h) are added to read as follows:

275 “(g) Source of income.

276 “(1) It shall be an unlawful discriminatory practice to do any of the acts prohibited in  
277 subsection (a) or subsection (b) of this section to a prospective tenant seeking to rent with the  
278 assistance of an income-based housing subsidy based on:

279 “(A) Prior rental history involving nonpayment or late payment of rent, if the  
280 nonpayment or late payment of rent occurred prior to receipt of the income-based subsidy;

281 “(B) Income level (other than whether or not the level is below a threshold  
282 as required by local or federal law), credit score, or lack of credit score; and

283 “(C) Any credit issues that arose prior to the receipt of the income-based  
284 subsidy.

285 “(2) There shall be a rebuttable presumption that an unlawful discriminatory practice  
286 has occurred if a housing provider charges a prospective tenant any mandatory fees or deposits  
287 other than a security deposit and application fee.

288 “(3) There shall be a rebuttable presumption that an unlawful discriminatory practice  
289 has occurred if a housing provider denies a rental application from a tenant that meets their posted

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290 selection criteria and the same rental unit was offered to an applicant who is not of a protected class  
291 and who submitted their application one or more days later than the rejected applicant.

292 “(h) Sealed eviction records.

293 “(1) It shall be an unlawful discriminatory practice to do any of the acts prohibited in  
294 subsection (a) or subsection (b) of this section based on information contained within a sealed  
295 eviction record or the actual knowledge or belief that a person has a sealed eviction record.”.

296 “(2) It shall be an unlawful discriminatory practice to require a person to disclose a  
297 sealed eviction record as a condition of:

298 “(A) Entering into any transaction in real property;

299 “(B) Inclusion of any clause, condition, or restriction in the terms of a  
300 transaction in real property;

301 “(C) Appraisal of a property, agreement to lend money, guarantee a loan,  
302 purchase a loan, accept residential real property as security for a loan, accept a deed of trust or  
303 mortgage, or otherwise make funds available for the purchase, acquisition, construction, alteration,  
304 rehabilitation, repair, or maintenance of real property; or to provide title or other insurance relating  
305 to ownership or use of any interest in real property;

306 “(D) Access to facilities, services, repairs, or improvements for a tenant or  
307 lessee; or

308 “(E) Access to, or membership or participation in any multiple-listing service,  
309 real estate brokers’ organization or other service, organization, or facility relating to the business of

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310 selling or renting residential real estate, including in terms or conditions of access, membership or  
311 participation in any such organization, service, or facility.”.

312           Sec. 5. Fiscal impact statement.

313           The Council adopts the fiscal impact statement in the committee report as the fiscal impact  
314 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
315 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

316           Sec. 6. Effective date.

317           This act shall take effect following approval by the Mayor (or in the event of veto by the  
318 Mayor, action by Council to override the veto), a 30-day period of congressional review as provided  
319 in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87  
320 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register