

Council of the District of Columbia
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT
MEMORANDUM

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: Chairman Phil Mendelson

FROM: Councilmember Elissa Silverman



RE: Request to Agendize Measures for the February 1, 2022 Legislative Meeting

DATE: January 27, 2022

I am requesting that you agendize the following measures for the February 1, 2022 Legislative Meeting:

- “Tenant Payment Plan Phasing Declaration Resolution of 2022”
- “Tenant Payment Plan Phasing Emergency Act of 2022”
- “Tenant Payment Plan Phasing Temporary Act of 2022”

These measures will prevent an early and abrupt expiration of a pandemic-related protection for residential and commercial tenants which, without Council action, would expire on February 4th, 2022, along with the Coronavirus Support Temporary Amendment Act of 2021.

Specifically, the current statute on tenant payment plans requires commercial and residential rental providers to offer a rent payment plan for eligible tenants during the COVID-19 public health emergency and for one year thereafter. The current statute also requires that any rent that is covered under a payment plan not be reported to credit reporting agencies as delinquent. With the expiration of the COVID-19 public health emergency on July 25, 2021, commercial and residential tenants may expect this protection to be available through July 25, 2022. However, without Council action, the protection will disappear several months sooner than the statutory language suggests.

The attached measures provide a date certain of July 25, 2022 for the end of requirement for rent payment plan offers and the protections related to them. They further clarify that any contractual increases agreed to in a commercial lease’s rent escalation tables are included in the amounts that come due under a lease and therefore would be subject to the payment plan law.

Copies of the measures are attached. Please contact Maya Brennan, Policy Advisor, mbrennan@dccouncil.us with any questions.

cc: Members, Council of the District of Columbia
Office of the Secretary
Office of the General Counsel
Office of the Budget Director
Mayor’s Office of Policy and Legislative Affairs