

**OTA RESPONSES TO COMMITTEE'S  
FY 2022 PERFORMANCE OVERSIGHT PREHEARING QUESTIONS**

General Questions

1. Please provide a current organizational chart for the agency, including the number of vacant, frozen, and filled positions in each division or subdivision. Include the names and titles of all senior personnel and note the date that the information was collected on the chart.

**Response:** See Attachment #1 for Q#1a “OTA Organizational Chart.” In addition, an updated organizational chart showing recent hires and the federally funded temporary positions will be forthcoming shortly.

- a) Please provide an explanation of the roles and responsibilities of each division and subdivision and how each role and/or responsibility contributes to the mission of the agency.

**Response:**

*Administrative Branch:* The OTA's role in non-programmatic activities is to ensure that all administrative activities related to the Agency are implemented. The responsibilities include: human resource development, contract and procurement, property management, information technology, budget creation, financial services, risk management, communications, customer service, language access, small and local business compliance monitoring and public relations, rapid response, eviction maintenance, and distribution, and review of all single-family TOPA actions.

*Legal Branch:* The role of the OTA's Legal Branch is to provide legal services to District tenants in two major categories: in-house legal clinic and litigation. Within the legal clinic, OTA's role includes operating a Tenant Phone Hotline and Tenant Center, and advising tenants and tenant organizations on filing complaints and petitions, including petitions in response to disputes with landlords. Within the litigation arena, OTA's role is to represent tenants at its discretion and as it determines to be in the public interest, in Federal or District judicial or administrative proceedings.

*Policy Branch:* The role of the OTA Policy Branch is to serve as a voice for the renter community by representing the interests of tenants and tenant organizations in the legislative, executive, and judicial contexts. Responsibilities include (a) advocating for statutory and regulatory changes as necessary to fill gaps in the District's system of tenant protections; (b) engaging in judicial advocacy on consequential matters of statutory and regulatory interpretation; and (c) tracking, monitoring, and apprising stakeholders of legal and policy developments at the both the District and federal levels.

*Education & Outreach Branch:* The role of the OTA's Education and Outreach Branch is to create and operate a platform to educate and inform the tenant community on tenant protections in the District. The responsibilities include: holding monthly Renter's Rights 101 presentations, a quarterly stakeholder presentation on topics of interest to tenants, development of new materials to educate the public, and providing TOPA technical advisory consultations.

*Emergency Housing:* The Emergency Housing Assistance Program's role is to meet the needs of tenants who find themselves displaced by disasters such as fires or government closures without renter's insurance by placing them in temporary housing and connecting them to DHS staff that can assess their needs and link them to necessary services. In addition to providing temporary housing, we provide moving and storage for up to 60 days.

- b) Please provide a narrative explanation of any changes to the organizational chart made during the previous year.

**Response:** The Office of the Tenant Advocate added ten additional federally funded staff members to assist with the impact of COVID-19 and evictions. And we've filled two of the three positions that were open in 2021 and we are currently interviewing candidates for the third position.

- c) Please provide your most current strategic plan and identify each goal and strategy. Explain how each division and subdivision contributes to that plan.

**Response:** NA

- 2. Please provide a current Schedule A for the agency which identifies each position by program and activity, with the employee's title/position, salary, fringe benefits, and length of time with the agency. Please note the date that the information was collected. The Schedule A should also indicate if the position is continuing/term/temporary/contract or if it is vacant or frozen. Please separate salary and fringe and indicate whether the position must be filled to comply with federal or local law.

**Response:** See Attachment #2 for Q#2 "*OTA Schedule A*"

- 3. Please list all employees detailed to or from your agency. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee's projected date of return.

**Response:** NA

- 4. Please provide the Committee with:
  - a) A list of all employees who received or retained cellphones, personal digital assistants, notebooks, laptops, iPads or similar communications devices at agency expense during any part of FY21 and FY22, to date; and the annual cost to the agency for each device;

**Response:**

Fiscal Year '21

Johanna Shreve	Cell Phone and Laptop
Tamela Tolton	Cell Phone and Laptop
Joel Cohn	Laptop
Dennis Taylor	Cell Phone and Laptop

Amir Sadeghy	Cell Phone and Laptop
Cristobal Puig	Cell Phone and Laptop
Ramona Quillet	Cell Phone and Laptop
Johan Fatemi	Cell Phone and Laptop
Shavannie Braham	Cell Phone and Laptop
Harrison Magy	Cell Phone and Laptop
Nicole McEntee	Cell Phone and Laptop
Umar Ahmed	Cell Phone and Laptop
Manuel Bolanos	Cell Phone and Laptop
Christopher Lucas	Cell Phone and Laptop
Cynthia Houser	Cell Phone and Laptop
Sean Treanor	Cell Phone and Laptop
Horace Lassiter	Cell Phone and Laptop
Joseph Trimboli	Cell Phone and Laptop
Carissa DeMare	Cell Phone and Laptop
Nayonna Boyd	Cell Phone and Laptop

Fiscal Year '22

Johanna Shreve	Cell Phone and Laptop
Tamela Tolton	Cell Phone and Laptop
Joel Cohn	Laptop
Dennis Taylor	Cell Phone and Laptop
Amir Sadeghy	Cell Phone and Laptop
Cristobal Puig	Cell Phone and Laptop
Ramona Quillet	Cell Phone and Laptop
Johan Fatemi	Cell Phone and Laptop

Shavannie Braham	Cell Phone and Laptop
Harrison Magy	Cell Phone and Laptop
Nicole McEntee	Cell Phone and Laptop
Umar Ahmed	Cell Phone and Laptop
Manuel Bolanos	Cell Phone and Laptop
Christopher Lucas	Cell Phone and Laptop
Cynthia Houser	Cell Phone and Laptop
Sean Treanor	Cell Phone and Laptop
Horace Lassiter	Cell Phone and Laptop
Joseph Trimboli	Cell Phone and Laptop
Carissa DeMare	Cell Phone and Laptop
Ivan Rubio	Cell Phone and Laptop

Approximate cost per cell phone for FY21: \$925.12

Approximate cost per cell phone for FY22: \$898.61

Approximate cost per laptop: N/A

- b) A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned, as well as a description of all vehicle accidents involving the agency's vehicles in FY21 and FY22, to date;

**Response:** NA

- c) A list of travel expenses and reimbursements, arranged by employee for FY21 and FY22, to date, including the justification for travel; and

**Response:** NA

- d) A list of the total workers' compensation payments paid in FY21 and FY22, to date, including the number of employees who received workers' compensation payments, in what amounts, and for what reasons.

**Response:** NA

5. For FY21 and FY22, to date, what was the total cost for mobile communications and devices, including equipment and service plans?

**Response:** See Attachment #3 for Q#5 "FY 2021-FY 2022 Mobile Communications"

6. For FY21 and FY22, to date, please detail all intra-District transfers to or from the agency.

**Response:** See Attachment #4 for Q#6 “*List of Intra-District Transfers*”

7. For FY21 and FY22, to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide:
  - a) The revenue source name and code;
  - b) The source of funding;
  - c) A description of the program that generates the funds;
  - d) The amount of funds generated by each source or program;
  - e) Expenditures of funds, including the purpose of each expenditure; and
  - f) The current fund balance.

**Response:** See Attachment #5 for Q#7 “*Special Purpose Revenue Funds*”

8. For FY21 and FY22, to date, please list any purchase card spending by the agency, the employee making each expenditure, and the general purpose for each expenditure.

**Response:** See Attachment #6 for Q#8 “*Fiscal Year 2021 and 2022 Purchase Card Spending*”

9. Please list all memoranda of understanding (“MOU”) entered into by your agency during FY21 and FY22, to date, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date.

**Response:** See Attachment #7 for Q#9 “*List of Memoranda of Understanding*”

<i>Other Party</i>	<i>Effective Date</i>	<i>End Date</i>	<i>Brief Description</i>
Superior Court	1/5/2022	9/30/2022	Granting use of OTA's Conference Room to the Court
Superior Court	1/3/2022	9/30/2022	Granting OTA Notice of Eviction Filings
OCFO	8/17/2021	9/30/2021	No money was expended due to lack of hire by OCFO.
Community Partnership for the Prevention of Homelessness	10/1/2021	9/30/2022	OTA provides Community Partnership subcontractors and Continuum of Care contractors with educational trainings on the rights and responsibilities of District of Columbia landlords and tenants.

10. Please list the ways, other than MOU, in which the agency collaborated with analogous agencies in other jurisdictions, with federal agencies, or with non-governmental organizations in FY21 and FY22, to date.

**Response:** NA

11. Please provide a table showing your agency's Council-approved original budget, revised budget (after reprogrammings, etc.), and actual spending, by program and activity, for FY20, FY21, and the first quarter of FY22.

**Response:** For (a) and (b) below, see Attachment #8 for Q#11 "*Fiscal Year 2020 Budget and Actual Expenditures*"; Attachment #9 for Q#11 "*Fiscal Year 2021 Budget and Actual Expenditures*"; Attachment #10 for Q#11 "*Fiscal Year 2022 Budget and Actual Expenditures of December 31, 2021*."

- a) For each program and activity, please include total budget and break down the budget by funding source (federal, local, special purpose revenue, or intra-district funds).
- b) Include any over- or under-spending. Explain any variances between fiscal year appropriations and actual expenditures for FY21 and FY22 for each program and activity code.
- c) Attach the cost allocation plans for FY21 and FY22.

**Response:** See Attachment #11 for Q#11 "*OTA FY 2021 and FY 2022 NPS Spending Plan*."

- d) In FY21 or FY22, did the agency have any federal funds that lapsed? If so, please provide a full accounting, including amounts, fund sources (e.g. grant name), and reason the funds were not fully expended.

**Response:** No.

12. Please provide as an attachment a chart showing the agency's federal funding and expenditures by program for FY20, FY21 and FY22, to date.

**Response:** See Attachment #12 for Q#12 "*Federal Funding from FY 2021 to FY 2022 as of December 31, 2021*"

13. With respect to capital projects, please provide:

**Response:** For (a) through (d) below, see Attachment #13 for Q#13 "*Capital Projects*."

- a) A list of all capital projects in the financial plan.
- b) For FY20, FY21, and FY22, an update on all capital projects under the agency's purview, including a status report on each project, the timeframe for project completion, the amount budgeted, actual dollars spent, and any remaining balances, to date.
- c) An update on all capital projects planned for FY22, FY23, FY24, and FY25.
- d) A description of whether the capital projects begun, in progress, or concluded in FY20, FY21, or FY22, to date, had an impact on the operating budget of the agency. If so, please provide an accounting of such impact.

14. Please provide a list of all budget enhancement requests (including capital improvement needs) for FY21 and FY22, to date. For each, include a description of the need and the amount of funding requested.

**Response:** See Attachment #14 for Q#14 “*Enhancement Requests*”

15. Please list, in chronological order, each reprogramming request and each reprogramming in FY21 and FY22, to date, that impacted the agency, including those that moved funds into the agency, out of the agency, and within the agency. Include the revised, final budget for your agency after the reprogrammings for FY21 and FY22, to date. For each reprogramming, list the date, amount, rationale, and reprogramming number.

**Response:** See Attachment #15 for Q#15 “*List of Reprogramming Actions for Local Funds*”

16. Please list each grant or sub-grant received by your agency in FY21 and FY22, to date. List the date, amount, source, purpose of the grant or sub-grant received, and amount expended.

a) How many FTEs are dependent on grant funding? What are the terms of this funding? If it is set to expire, what plans, if any, are in place to continue funding the FTEs.

**Response:** NA

17. Please list each contract, procurement, and lease, entered into, extended, and option years exercised by your agency during FY21 and FY22, to date. For each contract, please provide the following information, where applicable:

- a) The name of the contracting party;
- b) The names of the individual principals constituting that contracting party;
- c) The nature of the contract, including the end product or service;
- d) The dollar amount of the contract, including amount budgeted and amount actually spent;
- e) The term of the contract;
- f) Whether the contract was competitively bid and/or the explanation for it being non-competitive or sole source;
- g) The name of the agency’s contract monitor and the results of any monitoring activity; and
- h) The funding source.

**Response:**

FY21 Acquisitions

<i>Contracting Party</i>	<i>Individual Principal</i>	<i>End Product</i>	<i>Amount</i>	<i>Term</i>	<i>Bid</i>	<i>Monitor</i>	<i>Source</i>
Westlaw	Jared Underberg	Legal Reference	\$15,200	2/25/21	N/A	Tamela Tolton	Local
American Bus Supplies	Duane King	Office Supplies	\$6,160	4/5/21	Yes	Tamela Tolton	Local
Innovation Horizons, LLC	Gregory Downing	Rent Control Database	\$980,000	9/2/20	Yes	Amir Sadeghy	Capital
Digi Docs	N/A	Printer/Copier	\$13,994	4/9/21	Yes	Tamela	Local

						Tolton	
Digi Docs	N/A	Laptop	\$10,492	9/7/21	Yes	Tamela Tolton	Local
Campbell & Co.	Wendy Campbell	Summit/ Outreach	\$175,110	9/9/21	N/A	Tamela Tolton	Local

FY22 Acquisitions

<i>Contracting Party</i>	<i>Individual Principal</i>	<i>End Product</i>	<i>Amount</i>	<i>Term</i>	<i>Bid</i>	<i>Monitor</i>	<i>Source</i>
Westlaw	Jared Underberg	Legal Reference	\$15,959	11/8/21	N/A	Tamela Tolton	Local
Star Office Products	Samina Ahmad	General Office Supplies	\$10,000	12/8/21	Yes	Tamela Tolton	Local
Innovation Horizons, LLC	Gregory Downing	Rent Control Database	\$480,325	10/20/21	N/A	Amir Sadeghy	Capital

18. Please list all pending lawsuits that name the agency as a party. Identify which cases on the list are lawsuits that potentially expose the District to significant financial liability or will result in a change in agency practices, and describe the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success. For those identified, please include an explanation about the issues involved in each case.

**Response:** There is one relevant matter, spread over multiple parts.

The Agency is involved in on-going litigation by an employee who was terminated on February 21, 2012. After losing in Federal Court, the terminated employee filed a similar case on April 7, 2017 with the DC Office of Employee Appeals (OEA). The OEA judge dismissed the case on October 13, 2017 on res judicata grounds. The terminated employee filed an appeal of the OEA decision on November 3, 2017 in DC Superior Court.

On October 9, 2019, the Superior Court judge affirmed the OEA decision, in part, and reversed the OEA decision, in part. Specifically, the judge remanded the matter to OEA solely to determine whether OTA's February 24, 2012 Written Summary Removal Notice contained facts to support the termination.

On October 24, 2019, the Agency filed a motion for reconsideration, stating that binding DC Court of Appeals precedent does bar the terminated employee's claims in their entirety. On October 30, 2019, the terminated employee opposed the motion.

On November 4, 2019, the terminated employee noticed an appeal of the October 9, 2019 Superior Court decision. On January 6, 2020, the DC Court of Appeals issued an order, holding the appeal in abeyance until Superior Court ruled on the Agency's October 24, 2019 Motion.

On June 18, 2020, the OEA conducted a hearing on the issue that had been remanded on October 9, 2019. The OEA judge issued a decision on August 12, 2020. The OEA judge upheld OTA's action of summarily removing the employee. Rather than appealing that decision to Superior Court, the employee filed a "Motion for Judicial Review of Initial Decision on Remand" in Superior Court. On October 27, 2020, the Superior Court judge denied that motion.

On November 13, 2020, the terminated employee filed a motion for reconsideration in Superior Court, urging reconsideration of the October 27, 2020 denial of the "Motion for Judicial Review of Initial Decision on Remand." On December 14, 2020, that motion was denied. On

On December 21, 2020, the terminated employee filed a motion to reconsider the December 14, 2020 denial of the November 13, 2020 motion for reconsideration.

Meanwhile, on December 9, 2020, OTA filed a motion in the DC Court of Appeals, asking that the terminated employee's November 4, 2019 appeal be dismissed as having been taken from a non-final order. On December 14, 2020, the Superior Court denied employee's Motion for Reconsideration. On January 22, 2021, the DC Court of Appeals dismissed the terminated employee's appeal as premature.

On March 8, 2021, the employee appealed the OEA's October 13, 2017 Decision and Superior Court's October 9, 2019 Order. On May 19, 2021, the Superior Court denied the employee's Motion for Reconsideration and OTA's Motion to Strike.

On January 25, 2022, the DC Court of Appeals announced that it would hear the employee's latest appeal as part of its Summary Calendar (without hearing oral arguments) on March 11, 2022.

The matter is currently pending.

19. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY21 or FY22, to date, and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.)

**Response:** NA

20. Please list the administrative complaints or grievances that the agency received in FY21 and FY22, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY21 or FY22, to date, describe the resolution.

**Response:** NA

21. Please describe the agency's procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees. List and describe any allegations received by the agency in FY21 and FY22, to date, whether or not those allegations were resolved.

**Response:**

In the event of an allegation of sexual harassment or misconduct, incidents are reported to the OTA's Sexual Harassment Officer (SHO), Christopher Lucas, or the Assistant Sexual Harassment Officer (ASHO), Cynthia Houser. After an allegations of sexual harassment or misconduct has been reported, either the SHO or ASHO would take the following steps:

1. Take a verbal statement and make notes of the allegation in a private meeting;
2. Request a detailed written statement from the accuser of all allegations including any witnesses that may have relevant information;
3. Meet privately with any potential witnesses;
4. Meet in private with the accused, request a detailed written statement as well as an oral statement that would be noted by the SHO and/or ASHO;
5. Prepare a formal written report referencing any evidence and/or witnesses; and,
6. Transfer to Director and GC the report, copies of evidence and/or witness statements, and other notes and information.

There have been no allegations received by the agency in FY21 and FY22 to date.

22. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency, or any investigations, studies, audits, or reports on the agency or any employee of the agency that were completed during FY21 and FY22, to date.

**Response:** NA

23. Please describe any spending pressures or any reimbursements pursuant to contract or other obligations where remitting reimbursement exceeded thirty (30) days the agency experienced in FY21 and any anticipated spending pressures for the remainder of FY22. Include a description of the pressure and the estimated amount. If the spending pressure was in FY21, describe how it was resolved, and if the spending pressure is in FY22, describe any proposed solutions.

**Response:** See Attachment #16 for Q#23 "*Spending Pressures*"

24. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or contracted for during FY21 and FY22, to date. Please state the status and purpose of each. Please submit a hard copy to the Committee if the study, research paper, report, or analysis is complete.

**Response:** NA

25. Provide a list of all publications, brochures and pamphlets prepared by or for the agency during FY21 and FY22 to date.

**Response:**

1. Revised OTA's "COVID-19 State of Emergency: Tenant Rights & Resources"
2. Revised OTA's "COVID-19 Rental Assistance Programs"
3. Revised OTA's "Emergency Rental Assistance Resource Guide"
4. Revised OTA's "COVID-19 Related Resources for District Tenants"
5. OTA's "Post-PHE Legislation Summary"
6. OTA's "Post-PHE Timeline"
7. OTA's "Rent Payment Plans Summary"

8. Revised Powerpoint “Renter’s Rights 101 – English”
  9. Revised Powerpoint “Renter’s Rights 101 – Spanish”
  10. OTA Flyers – No rent increase during the PHE
  11. OTA Flyers – No evictions during the PHE
  12. OTA Flyers – Self-help evictions are unlawful
  13. OTA Flyers – To be used at food distribution locations
  14. OTA Flyers – Do You Need Our Assistance?
  15. OTA Flyers – Interested in forming a Tenant Association?
  16. OTA Flyers – STAY DC Application Instructions
  17. OTA Flyers – Guide to Rental Law Changes During the PHE
  18. OTA Poster – Can My Landlord Do That (English/Spanish/Amharic/French)
  19. OTA Poster – I’m Worried About Eviction (English/Spanish/Amharic/French)
  20. OTA Poster – My Landlord Won’t Make Repairs (English/Spanish/Amharic/French)
  21. OTA Powerpoint: TOPA 5+ Units
  22. OTA Powerpoint: How the OTA Can Work For YOU
  23. OTA Powerpoint: Tenant Associations: Where Do We Begin?
  24. OTA Powerpoint: Tenant Associations: A Framework for Sustainability
  25. OTA Powerpoint: Tenant Associations: Best Practices
  26. OTA Tutorial – TOPA Single-Family Dwelling
  27. OTA Tutorial – TOPA 2-4 Unit Dwelling
  28. OTA Tutorial – Post PHE Statutory Timeline (English)
  29. OTA Tutorial – Post PHE Statutory Timeline (Spanish)
  30. OTA Tutorial – Housing Code Violations (English)
  31. OTA Tutorial – Housing Code Violations (Spanish)
  32. OTA Tutorial – How to Receive Your Security Deposit (English)
  33. OTA Tutorial – How to Receive Your Security Deposit (Spanish)
  34. OTA Tutorial – When Can Your Landlord Enter Your Apartment (English)
  35. OTA Tutorial – When Can Your Landlord Enter Your Apartment (Spanish)
  36. OTA Tutorial – How to Incorporate a Nonprofit Corporation for your Tenant Association
  37. OTA Tutorial – Joint & Several Liability
  38. OTA Tutorial – What To Do If You Find Mold In Your Apartment
  39. OTA Stakeholder Meeting: Post PHE Tenant Protections (recording)
  40. OTA Tenant Summit: Let’s Talk: Living in Changing Neighborhoods (recording)
26. Please provide a copy of the agency’s FY21 performance plan. Please explain which performance plan objectives were completed in FY21 and whether they were completed on time and within budget. If they were not, please provide an explanation.

**Response:** NA

27. Please provide a copy of your agency’s Strategic Plan for FY21 and FY22.

**Response:** NA

28. Please provide the number of FOIA requests for FY21 and FY22, to date, that were submitted to your agency. Include the number granted, partially granted, denied, and pending. In addition, please provide the average response time, the estimated number of FTEs required to process requests, the estimated number of hours spent responding to these requests, and the cost of compliance.

**Response:** For FY21, six requests were submitted. Three requests were granted in full, one request was granted in part and denied in part; and two requests were denied, in whole.

There are no requests from FY21 that are pending as of February 14, 2022. One request that was submitted in FY22 is pending as of February 14, 2022. (The deadline for this request has not been reached yet. OTA is in full compliance.)

For FY21, the median response time was estimated at 36 days. The requests have taken an estimated total of twenty four and a half hours to process. Based on the annual compensation of the FOIA officer – who was the FTE most substantially involved – and an estimated two other FTEs who contributed to processing the requests, the cost of compliance has been \$1,143.98. See Attachment #17 for Q#28 “OTA FY 2021 FOIA Report Form.”

29. Please provide a copy of your agency’s FY22 performance plan as submitted to the Office of the City Administrator and any accomplishments pursuant to that plan.

**Response:** NA

30. Please separately list each employee whose salary was \$100,000 or more in FY21 and FY22, to date. Provide the name, position number, position title, program, activity, salary, and fringe. In addition, state the amount of any overtime or bonus pay received by each employee on the list.

**Response:** See Attachment #18 for Q#30 “Fiscal Year 2021 and 2022 - Employees with Salary of \$100,000 or More”

31. Please list in descending order the top overtime earners in your agency in FY21 and FY22, to date. For each, state the employee’s name, position number, position title, program, activity, salary, fringe, and the aggregate amount of overtime pay earned.

**Response:** See Attachment #19 for Q#31 “Fiscal Year 2021 and 2022 - Top Overtime Earners”

32. For FY21 and FY22, to date, please provide a list of employee bonuses or special pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay.

**Response:** See Attachment #20 for Q#32 “Bonus and Special Pay”

33. Please provide each collective bargaining agreement that is currently in effect for agency employees. Please include the bargaining unit and the duration of each agreement. Please note if the agency is currently in bargaining and its anticipated completion.

**Response:** NA

34. If there are any boards or commissions associated with your agency, please provide a chart listing the names, confirmation dates, terms, wards of residence, and attendance of each member. Include any vacancies. Please also attach agendas and minutes of each board or commission meeting in FY21 or FY22, to date, if minutes were prepared, or the explanation why minutes were not prepared to not available. Please inform the Committee if the board or commission did not convene during any month.

**Response:** NA

35. Please list all reports or reporting currently required of the agency in the District of Columbia Code or Municipal Regulations. Provide a description of whether the agency is in compliance with each requirement, and if not, why not (e.g. the purpose behind the requirement is moot, etc.).

**Response:** Pursuant to D.C. Official Code § 42–3531.07(5)(B), the OTA provides the Council with an Annual Report each February. Copies of the annual report will be provided to the Committee/Council prior to the agency’s oversight hearing on February 22, 2022.

36. Please provide a list of any training or continuing education opportunities made available to agency employees. For each additional training or continuing education program, please provide the subject of the training, the number of agency employees that were trained, the names of the trainers, and the total cost of each, if a procurement was made, the name of the contractor and the basis for the non-competitive award, if applicable.

**Response:** In FY21 and FY22 to date, OTA employees have completed the following required District government employee trainings:

- OCTO cybersecurity training.
- OHR language access training.

OTA employees also took part in the following trainings:

- Rental Housing Commission (RHC) tutorial session and Q&A on the new DCMR Title 14 housing regulations that became effective on December 31, 2021.
- BEGA and OOG government ethics training.
- Westlaw legal research training.

37. Does the agency conduct annual performance evaluations of all its employees? Who conducts such evaluations? What steps are taken to ensure that all agency employees are meeting individual job requirements?

**Response:** The agency Director meets annually with all employees to discuss job performance.

#### Racial Equity Questions

1. In the context of your agency and its mission, what are three areas, programs, or initiatives where you see the most opportunity to address racial inequity?

**Response:** Historically, the vast majority of tenants, and in particular renters of color, have had very little knowledge about their rights. Consequently, the OTA continually looks for opportunities to make further inroads into these underserved communities to help close racial inequity gaps regarding information about their rights. Education and Outreach is the agency’s first enumerated statutory duty. Increasing tenant awareness of their rights and available resources empowers tenants to (1) hold housing providers accountable for poor housing conditions; and, (2) know how to take action so that they may advocate for themselves.

The second area is legal representation, particularly in Landlord & Tenant Court where the vast majority of tenants are people of color and do not have counsel to represent them in court. The additional attorney advisor FTEs pursuant to the Vanguard program will help the agency close this gap.

The third area is communication through our stakeholder format which allows the tenant community to develop a relationship with the agency. Through this relationship, tenants gain a better understanding of legal and policy matters especially as they relate to the District's tenant protection statutes and regulations.

Finally, the OTA looks for opportunities to address racial inequity in its legislative and regulatory advocacy. The OTA's work in (1) enhancing tenants' rights and interests, (2) preventing evictions, and, (3) advocating for maintaining and expanding affordable housing, promotes a more equitable and integrated society.

2. What are three metrics that your agency uses, or could use, to measure progress toward racial equity?

**Response:** The three metrics that the OTA could use to measure progress toward racial equality are (1) hiring policy; (2) enhancing staff's development of communication skills; and (3) developing further outreach and educational opportunities for the tenant community.

3. Do you think there are any areas/programs where your department has had some success in building racial equity over the past year? Which areas/programs?

**Response:** We have continued to build on our efforts to promote racial equity over the past decade and a half within each of our programmatic areas. Over the past year in particular, the OTA has expanded its Education and Outreach efforts in order to further reach into the underserved parts of the District's renter community. Additionally, we have enhanced our relationships with the Mayor's Office on Latino Affairs (MOLA) and Mayor's Office on African Affairs (MOAA), allowing us to partner together in disseminating information to the District's Latino and African residents.

4. Consider the demographic data your department collects, tracks, and evaluates as (A) part of its operations and (B) as part of its performance plan:

- a. Do you collect information on race and geographic area? If not, why not?

**Response:** We include an optional question as to the client's race on our intake form, and the responses are recorded electronically. We also collect geographic data that may coincide with race-related data through our case intake management system and the hotline.

It has been our experience that many clients find the question as to their race to be uncomfortable; many prefer not to answer. We certainly understand this, and in order to improve our data collection we are considering including an optional question as to the client's race on our feedback forms that we distribute after our service to a client on a particular matter has ended. In doing so, we would qualify the question by explaining its purpose for data collection in order to better reach all residents who need our services.

5. What legal barriers (if any) do you face as an agency to advancing racial equity or better understanding racial inequity?

**Response:** None.

6. In your FY22 budget as approved, are there specific programs or allocations that are specifically designed to address racial or economic inequities faced by District residents? In detail, please describe how these efforts address those inequities.

**Response:** The OTA has targeted our Education and Outreach efforts in areas including those most affected by the pandemic and food insecurity, those with majority Black and Hispanic tenant populations, and those with lower-income renters in wards 1, 5, 7, and 8. In working with these tenants we emphasized public health emergency tenant protections, rental assistance programs, and rent payment plans. Specifically, for Limited English Proficiency and Non English Proficiency individuals we've coordinated our education and outreach services with specialized offices like the Mayor's Office on African Affairs to provide workshops in Amharic and French and translated most of our materials into Spanish.

### Agency-Specific Questions

1. Please list each policy initiative of the agency during FY21 and FY22 to date. For each initiative please provide:
  - a. A detailed description of the program;
  - b. The name of the employee who is responsible for the program;
  - c. The total number of FTEs assigned to the program; and
  - d. The amount of funding budgeted to the program.

**Response:**

Initiative 1

- a. Educational Institute – The creation of our technical advisory consultation services regarding TOPA. The OTA will continue to conduct educational workshops and classes about tenant rights and other rental housing concerns, including the creation of more tutorial videos, tenant association classes, as well as community events.
- b. Cristobal Puig-Monsen and Nicole McEntee
- c. 4 FTEs
- d. \$449,348 (FY22)

Initiative 2

- a. Vanguard Eviction Diversion Program - to pursue eviction diversion.
- b. Dennis Taylor
- c. 8 FTEs (Dennis Taylor plus the 7 FTEs in the chart for Q#4 below.)
- d. \$841,939 (FY22)

2. Please describe the role the agency has played, if any, in the distribution of STAY DC funds, to keep tenants housed and to keep housing providers whole during the COVID-19 health emergency.

**Response:** The OTA transmitted the list of pending evictions from the D.C. Superior Court to the Department of Human Services (DHS), so that DHS could contact those tenants and help them apply for STAY DC if eligible. The OTA also created and distributed informational materials to the tenant community informing them of the availability and application portal for rental assistance.

3. Please describe what steps, if any, the agency is taking to continue to assist the District in the distribution of an federal relief funds related to the public health emergency.

**Response:** The sole role of the OTA in the distribution of federal relief funds is to serve as a liaison between District tenants who feel ill-treated by the STAY DC program and the STAY DC program itself. Tenants will bring their issues to OTA. OTA will then either reformat the questions and pose them to STAY DC, or advocate the tenant’s position to STAY DC. Then the OTA will report back to the tenant.

4. Please explain the impact on the agency of any legislation passed at the federal level during the last year. Specify such legislation and relevant provisions if possible.

**Response:** The Mayor and the Council included in the FY21 Supplemental Budget and FY22 Local Budget federal funding for 7 temporary FTEs within the agency’s new Vanguard Legal Eviction Diversion Program. The 7 positions are as follows:

Position	Description	FTEs
Litigating Attorney Advisors	Litigates individual and high-impact cases.	3.0
Litigation Administrator	Provides support for Litigating Attorney Advisors.	1.0
Paralegals	Provides support for Litigating Attorney Advisors.	2.0
Triage Coordinator	Review of all cases and determination of which staff member can provide the most effective services.	1.0

5. What steps, if any, has the agency taken during FY21 and FY22 to date, to adjust the following:

- a. Space utilization

**Response:** The agency has expanded its footprint to keep up with the growth of our team.

- b. Communications costs

**Response:** Our communication costs continue to be minimal.

- c. Energy use

**Response:** Since the start of the Public Health Emergency our team has been telecommuting. Thus, we expect to see optimal energy savings this fiscal year.

- d. Criminal activity in and around developments

**Response:** NA

- 6. Please describe any efforts the agency is undertaking to expand its delivery of services. In particular, please describe the agency's role at the DC Courts in assisting persons facing housing challenges as a result of legal actions pursued against them.

**Response:**

In order to expand OTA's delivery of legal services, OTA is in the process of expanding its role in combating the anticipated eviction tsunami through a two-pronged approach. The larger prong is the Vanguard Eviction Diversion Program. (See the Attachments below for a detailed description.) The Vanguard Program is funded through The Coronavirus State and Local Fiscal Recovery Funds (SLFRF) portion of the American Rescue Plan, Public Law No: 117-2 (03/11/2021). The OTA would like to thank this Committee, as well as the entire Council and the Mayor, for appropriating the federal funds for this project.

The second prong consists of OTA entering into a pair of Agreements with the DC Superior Court. The first Agreement is for OTA to serve as a satellite location for virtual court hearings while the court's physical hearing rooms are closed as a COVID-19 transmission-prevention measure. When a tenant is facing an eviction hearing in the Landlord/Tenant Branch of the court, the tenant can take advantage of their participation in a hearing being conducted in a tenant-friendly location, which is steps away from the legal team engaged through the Vanguard Program.

The second Agreement provides for DC Superior Court furnishing OTA with all recent filings of eviction cases. OTA will send a Rapid Response letter to each affected tenant, inviting that tenant to meet with the Vanguard legal team. To the extent practical, the Vanguard legal team will both counsel the tenant and represent the tenant before the court if appropriate.

See Attachment #21 for Q#6 "*Federal Relief Funds Request Memo OTA.*"

See Attachment #22 for Q#6 "*OTA Vanguard Proposal.*"

- 7. Please describe how the agency solicits feedback from its constituents.

- a. What has the agency learned from this feedback?

**Response:** At the conclusion of each E&O event, including policy forums, we request feedback from participants, both during in-person and virtual settings. During the ongoing COVID-19 pandemic we have learned the issues that are on the minds of tenants in the District, such as rent increases and evictions. We also learned that due to the complexity of amendments to legislation, tenants have had difficulty understanding their rights.

- b. How has the agency changed its practices as a result of this feedback?

**Response:** In response, we created materials addressing this issue that are easy to understand and available at the tenant's convenience on our website. We are working on instituting a new process to solicit feedback from intake clients remotely.

8. Which programs at the agency are in most need of funding?

**Response:** The agency most needs funding in the areas of Public Relations (PR) and Information Technology (IT). A PR FTE and associated NPR funding would expand the agency's ability to (1) promote awareness of its resources for tenants in all parts of the District; (2) maximize the use of social media; and (3) access to TV & radio for public service announcements (PSA) and other purposes. Further, IT funding would allow the agency to revise and expand upon existing technologies to become more nimble in identifying and responding to emerging needs, whether regarding legal issue categories or demographic data including racial equity matters.

9. What has the agency done in the past year to make the activities of the agency more transparent to the public?

**Response:** The Education & Outreach team has updated the website [www.ota.dc.gov](http://www.ota.dc.gov) to update our services and to make it easier for tenants to quickly access information. We have also added materials on our website available for download including flyers, posters, and videos. The OTA's social media presence has expanded and allowed for greater outreach and transparency to the public, and serves as another method by which tenants can contact our office. We have also attended 14 ANC meetings in FY 2021 and FY 2022 to present to the public on the activities of the agency.

10. Please provide a copy of the agency's FY21 performance accountability report.

- a. Please explain which performance plan strategic objectives and key performance indicators (KPIs) were met or completed in FY21 and which were not.
- b. For any met or completed objective, also note whether they were completed by the project completion date of the objective and/or KPI and within budget. If they were not on time or within budget, please provide an explanation.
- c. For any objective not met or completed, please provide an explanation.

**Response:** NA

11. Please provide a copy of your agency's FY22 performance plan as submitted to the Office of the City Administrator. Please discuss any changes to outcomes measurements in FY21, including the outcomes to be measured, or changes to the targets or goals of outcomes; list each specifically and explain why it was dropped, added, or changed.

**Response:** NA

12. What are your top 5 priorities, in order of urgency if possible, for the agency? Please provide a detailed explanation for how the agency expects to achieve or work toward these priorities in FY22.

**Response:**

1. Impending move of the agency from the Reeves Center to 899 North Capitol St., NE.
2. Rethinking how we work after the pandemic.
3. Encouraging single-family properties to maintain a BBL and inspection.
4. Restoring a Public Relations position to the agency.
5. Re-assessing and expanding the technological capacities of the agency.

*Tenant Support*

13. How many total cases were opened in FY21? How many of these cases remain open? How many cases were closed? Of the cases closed, how many were resolved? Please provide the data for FY22, to date, as well.

**Response:**

<i>Year</i>	<i>Cases Opened</i>	<i>Cases Remaining Open</i>	<i>Cases Closed/ Resolved</i>
FY2021	7,527	3	7,524
FY2022 (Q1)	1,874	2	1,872

The terms “Closed” and “Resolved” have the same meaning in OTA’s lexicon, meaning that a case is not Closed until it has been Resolved. A case is Resolved when OTA has completed the provision of all assistance possible. If OTA is representing a tenant in court, the case will be Resolved at the conclusion of the litigation. If OTA is representing a tenant in negotiations, the case will be Resolved when the negotiations conclude. If OTA is drafting communication for a tenant, the case will be Resolved when the draft document is presented. If OTA is answering a question or giving guidance, the case will be Resolved once all of the tenant’s questions are answered or all possible guidance has been provided.

14. Please state the number of tenants or tenant groups that have sought OTA assistance for new matters in FY21 and FY22, to date. Please sort the cases into categories (types of cases), followed by the number of open cases in each category.

**Response:**

The number of tenants or tenant groups that have sought OTA assistance for new matters in FY21: 7,527

The number of tenants or tenant groups that have sought OTA assistance for new matters in FY22 (Q1): 1,874

The categories of cases for FY21 and FY22 YTD are listed below:

FY 2021	
Housing Code	1680
Rent Increase	175
Eviction	286
Lease Issue	1676
Mold	296
Notice to Cure or Quit	2
Notice to Vacate	276
TOPA	322
L&T Hearing	52
Security Deposit	393
Sublease	41
Tenant Association Issue	24
Pet-related Issue	4
Voluntary Agreement	1

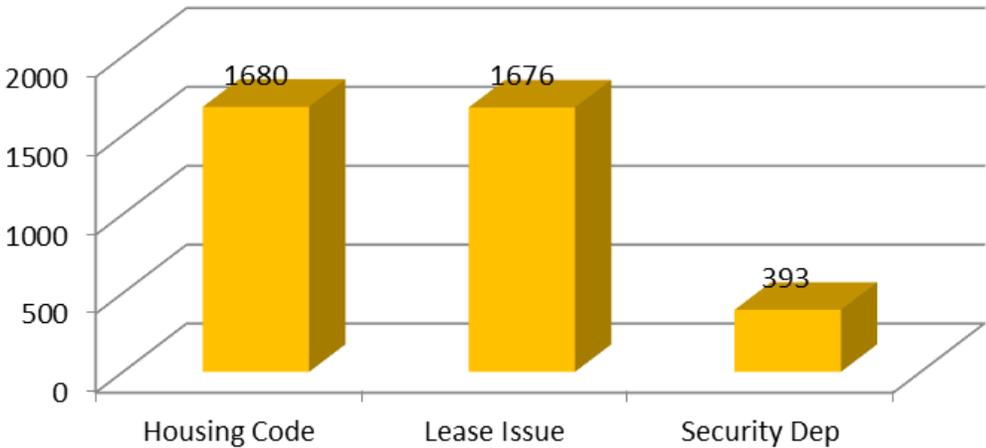
FY 2022 Q1	
Housing Code	453
Rent Increase	35
Eviction	72
Lease Issue	183
Mold	36
Notice to Vacate	47
TOPA	35
L&T Hearing	7
Sublease	4

There are three open cases remaining from FY21, and two from FY22.

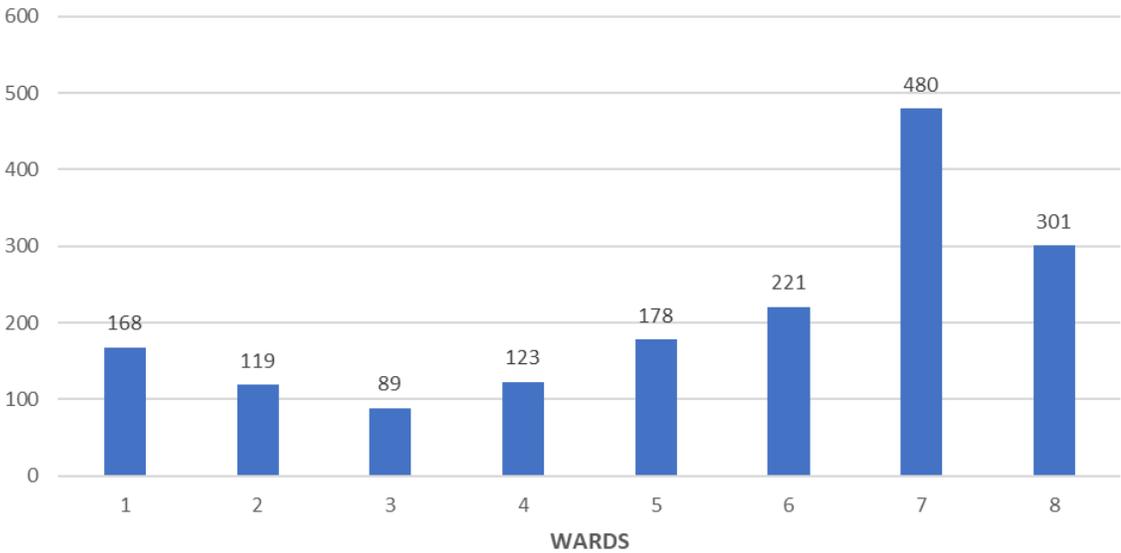
15. a) Based on the number of tenant complaints or other considerations, please identify the top 3 issues facing tenants today.

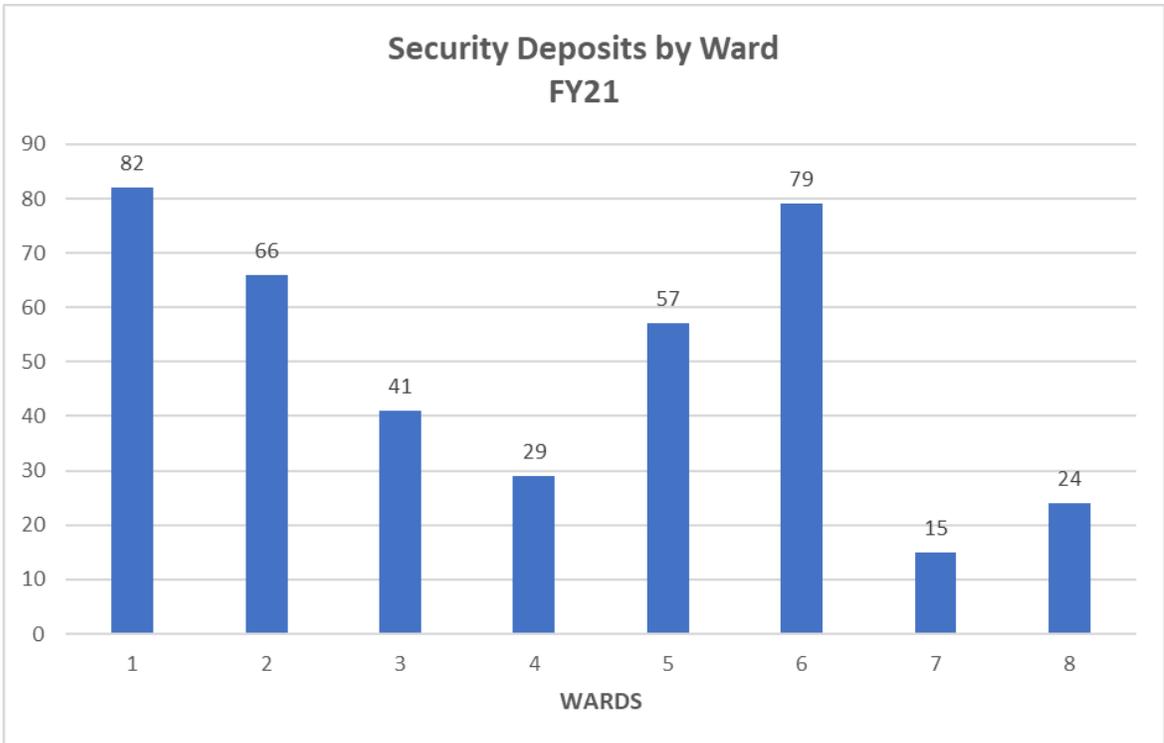
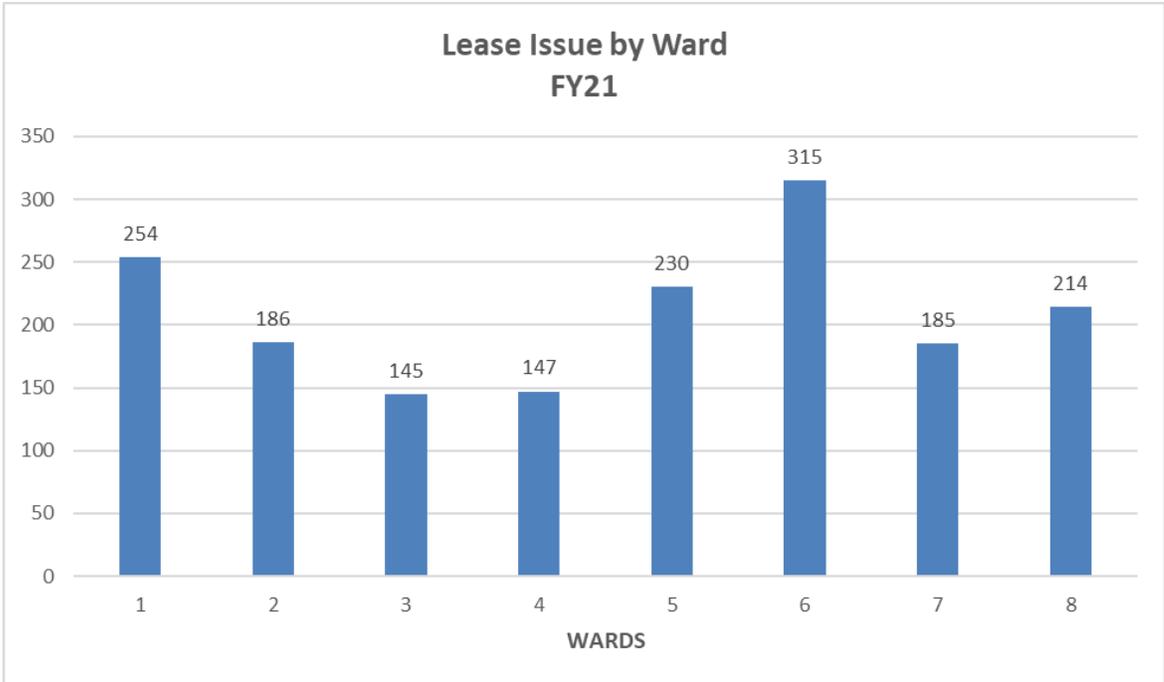
**Response:** The top three issues continued to be alleged and actual violations of the housing code, issues surrounding lease interpretation, and the timing and amount of security deposit returns.

### TOP 3 ISSUES FY 21



### Housing Codes by Ward FY21





*Note: These charts do not include additional intakes received electronically through the ATD (“Ask the Director”) portal of OTA’s website.*

b) Have there been any significant changes during FY22 to date, and is there anything the agency plans to do differently given possible changing needs?

**Response:**

In the first and second quarters of FY22, tenants who live in units exempt from rent control have been sent notices indicating that their rents will increase by as much as 40%. Not surprisingly, many of these tenants cannot afford such increases. Similarly, many tenants who live in units that are protected by rent control have been confronted by housing providers who believe that the Rent Charged, as defined by the Council, does not prohibit the housing provider from preserving pre-concession discount rents as the basis for determining future rents.

Additionally, there has been a marked increase in the number of housing providers who, usually in an effort to save money, have decided to move back into properties they used to rent out to others. Of course, that usually means that the tenants receive a 90-notice to vacate as provided for in DC Code 42-3505.01(d).

16. Please explain any reductions in funding OTA provides to non-profit legal services providers. Please discuss any ongoing contracts for legal services, the scope of each contract, how it is being monitored, and the number of tenant cases referred in FY21 and FY22 to date under each contract.

**Response:** NA

17. How many new cases were assigned to each attorney in FY21 and FY22 to date? What is the average case load for each attorney?

**Response:**

<b>Attorney</b>	<b>FY2021</b>	<b>FY2022 (Q1)</b>	<b>Total</b>
Dennis Taylor*	24	8	32
Harrison Magy	639	174	813
Johan Fatemi	718	194	912
Ramona Quillet	683	185	868
Sean Treanor	548	101	649
Shavannie Braham	726	168	894
Umar Ahmed	677	189	866

<b>TOTAL</b>	<b>4,015</b>	<b>1,019</b>	<b>5,034</b>
*Dennis Taylor is the agency's General Counsel.			

The average number of cases per attorney in FY21 was approximately 574.  
The average number of cases per attorney in FY22 (Q1) was approximately 146.

The OTA also responds to written tenant inquiries submitted through the agency website's "Ask the Chief Tenant Advocate" function (also known as the "Tenant Hotline," "Ask the Director," or "ATD"). In FY21, the agency responded to 1,929 ATDs. In FY22 (through Q1), the agency has answered 446.

The remaining cases were handled by case management specialists.

18. How many tenants served by OTA were provided emergency housing during FY21 and FY22, to date? What were the primary reasons for the need for emergency housing? What is the current state of the need for emergency housing for tenants? Did the need increase or decrease?

**Response:** In FY21 the Emergency Housing Program assisted 298 families, expending \$524,380. The agency assisted 101 families that were displaced by government closures and 197 families were assisted due to fire. In FY22 to date, we have provided assistance to 137 families, expending \$223,227. Among the displaced tenants that requested the assistance of the OTA were 82 families displaced by fire and 69 families displaced by government closure. The need has increased when compared to the dollars spent at this time last fiscal year (\$129,707).

19. OTA's planned "interagency alert" system will check for housing provider noncompliance within licensing and registration requirements and homestead deductions claims and will generate and transmit the violations to the relevant agency.

- a. Please provide an update on the system.

**Response:** Currently, the OTA provides interagency alerts to DCRA and other relevant agencies on a non-automated basis as they occur.

- b. Please describe any issues you are having with DCRA and related agencies, in terms of coordinating response.

**Response:** NA

- c. What else can be done to facilitate better interagency coordination?

**Response:** We recommend that the interagency alert system be incorporated into the policies and procedures of the DCRA successor agencies.

*COVID-19 Related Tenant Support*

20. Does the agency have an estimate on the number of cases received directly pertaining to COVID-19?

**Response:**

No. However, we can say that a majority of the issues received by OTA have a COVID-19 connection. The COVID-19 connection is obvious in some cases. Common examples include:

- University students who live in rental accommodations, but wanted to leave town because universities were only teaching classes online;
- Residents whose jobs were eliminated, and wanted to either leave town or find less expensive housing;
- Those who had plans to move to the District and had already signed leases, but the jobs evaporated before the person could physically move into the District;
- Tenants whose incomes were reduced to a level that would no longer allow them to pay their rent;
- Tenants who applied for STAY DC funding to pay rent, but did not have smooth experiences;
- Tenants who were teleworking, thus spending considerably more time at home, who learned that there were aspects of their housing that became unappealing, such as neighbors who they found to be noisy, or neighbors with whom they had personality conflicts;
- Tenants wanting to know how to get others to comply with masking requirements;
- Tenants needing repairs to their units, but not wanting to let repair staff into their units;
- Tenants who didn't understand the emergency and temporary laws affecting TOPA; and
- Tenants who were greeted with 30% and 40% increases in rent early in calendar 2022.

Of course, sometimes the connections were less obvious. One common example would be apartments with conditions that violated the housing code. Those violations could be caused by housing providers deferring maintenance, housing providers or service businesses that were less able to acquire the parts necessary to make repairs, or service businesses who were no longer fully staffed. Of course, sometimes the violations were a result of normal wear and tear. The variety seemed endless and it kept OTA staff on their toes, adjusting to both traditional and novel issues facing District tenants.

21. How has COVID-19 affected your office's ability to provide legal support to tenants?

**Response:** In order to avoid the spread of Covid-19, the OTA has temporarily halted its in-person walk-in services. Instead, all inquiries are handled electronically or via telephone. There has been no other significant impact on the legal support OTA provides to tenants. In fact, on an annual basis, we have served a larger number of tenants since the beginning of the pandemic than ever before.

22. What has the agency done to adapt to COVID-19 in order to continue providing adequate services to tenants?

**Response:** The OTA transitioned to telework at the outset of the Public Health Emergency (PHE). Since making that transition we have continued to provide our full range of services to District tenants, but we have done so remotely. Each intake staffer was provided a new laptop computer, and we have updated our telephone communication procedures. In addition, we have kept documents on our website updated, including our explanations of PHE-related tenant protections, how to connect with OTA, and how to access local rental assistance programs. We continue to field questions on rental housing law through the website via the “Ask the Chief Tenant Advocate” feature. In our second year of telework, the number of tenants the agency serves continues to climb.

23. How has the agency’s work substantively changed as a direct result of COVID-19?

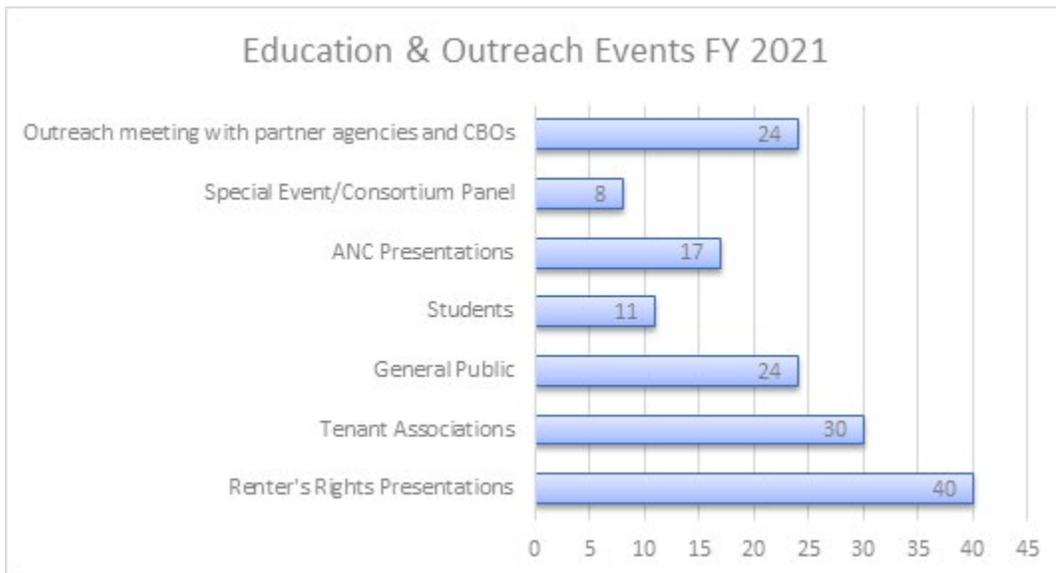
**Response:** See response to Question #22.

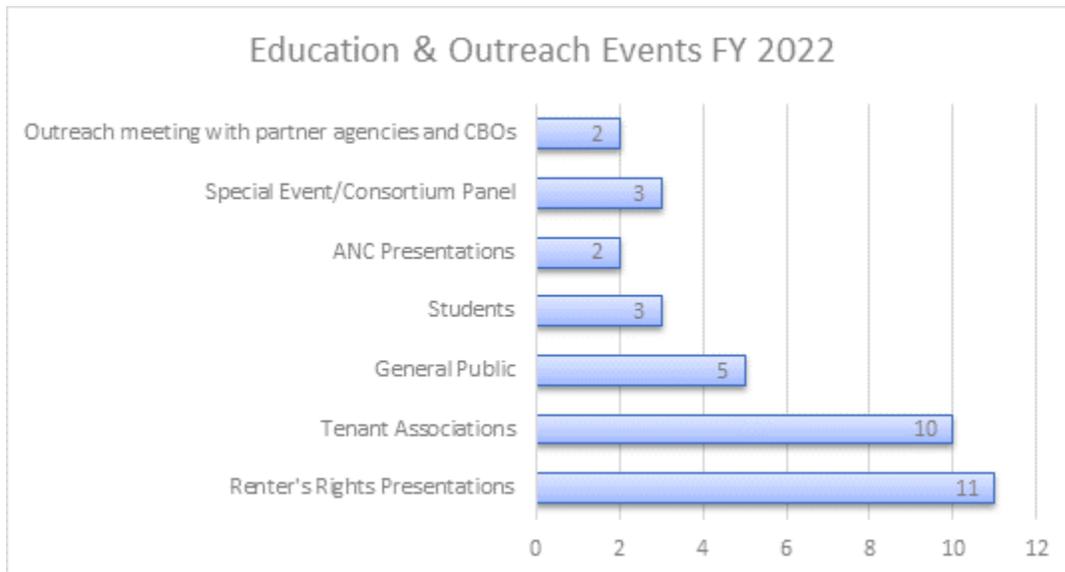
*Workshops and Outreach Programs*

24. Please identify each education and outreach program the agency held in FY21 and FY22, to date.

**Response:** See Attachment #23 for Q#24 “*List of Education and Outreach Programs.*”

In addition, the below charts summarize the types of events held.





25. What has been the feedback on the programs you conducted in FY21 and FY22, to date? What were your top 5 attended or utilized programs?

**Response:** The OTA measures the effectiveness of our tenant education programs in a number of ways, including evaluations, comments from participants, and the number of referrals from government agencies, nonprofit organizations, and tenants. The OTA generally receive excellent feedback from participants and are always seeking methods to improve our education and outreach capabilities. After each OTA-sponsored event, the OTA elicits feedback through surveys, evaluations, and discussions with tenants about their concerns, and asks for topic suggestions for future events.

Top 5 Events:

Capitol Area Food Bank Flyer Distributions (250+ attendees, in person)

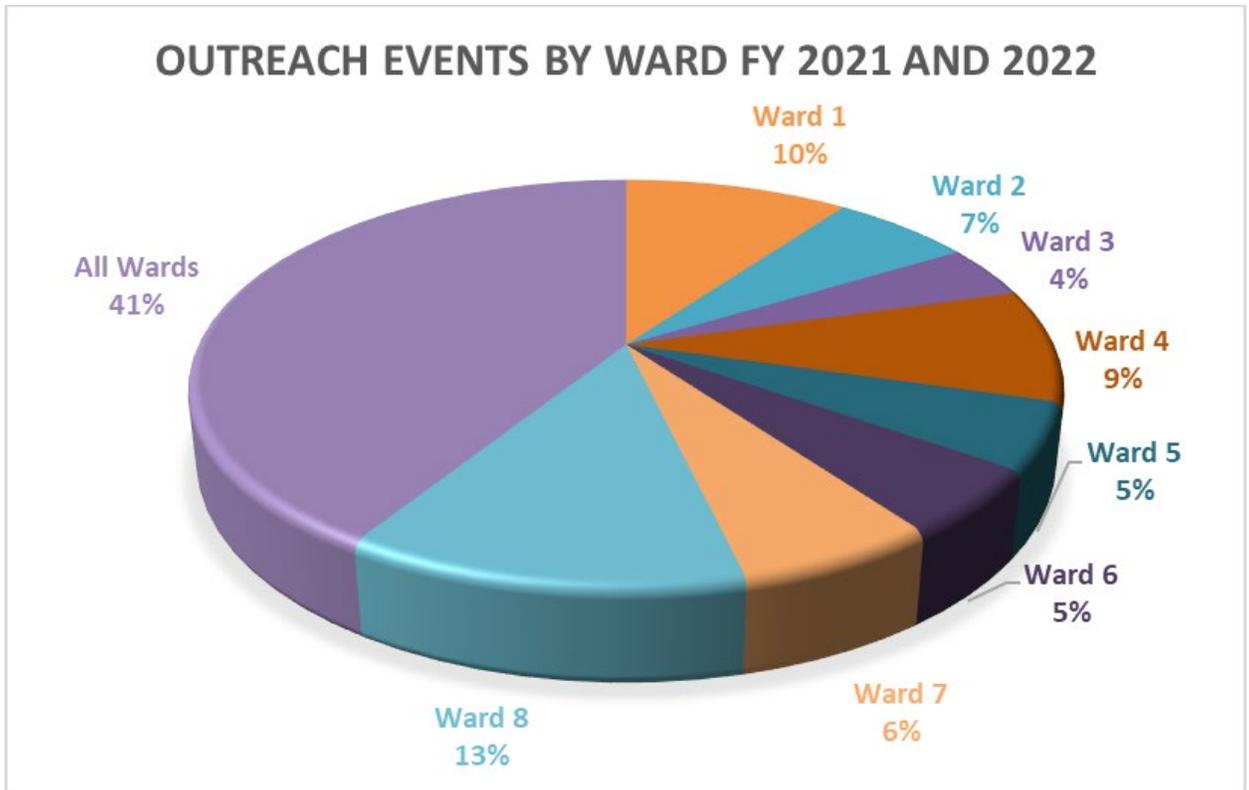
Mayor Senior Holiday Party (200+ attendees, in person)

Sacred Heart Food Distribution Flyer Distribution (100+ attendees, in person)

Mayor's Office of Asian Pacific Islander Affairs Community Meeting (65 attendees, virtual)

ANC 8C Meeting Presentation (63 attendees, virtual)

*Total of 190 events, with 3,855 attendees.*



26. Please summarize the outreach programs that the agency plans to implement this coming year.

**Response:** This coming year OTA’s Education & Outreach Branch (E&O) will:

1. Expand our tenant association outreach and educational services to include a Tenant Association Peer Mentorship Program and ultimately expand to a Tenant Association Certification Program.
2. Increase our educational materials on evictions and eviction prevention to include four tutorial videos: (1) requirements a landlord must meet to file for an eviction; (2) tenant defenses to eviction; (3) a two-part tutorial on the judicial process; and (4) TOPA in 5+ unit housing accommodations.
3. Once they are complete, disseminate the tutorials using OTA’s social media accounts, credible messengers, tenant associations, as well as ANC meetings and other events to reach as many tenants as possible.
4. Continue to look for more community partners to serve as “force multipliers” to help us disseminate the important work OTA does for District of Columbia tenants.
5. Create and present tutorial sessions on the new DCMR Title 14 rental housing regulations.

*Legislation*

27. What were the agency’s legislative priorities in FY21? What are the agency’s legislative priorities for FY22?

**Response:** The OTA's FY21 policy priorities, including both legislative and regulatory matters, were the following:

Legislative:

1. ***Responding to the ongoing COVID-19 pandemic:*** The OTA has responded throughout the COVID-19 pandemic by recommending additions and enhancements to pandemic-related tenant protections and assistance programs. The agency continues to monitor pandemic-related tenant protections as they are phased out. As the pandemic is still underway, tenants continue to require legislative advocacy to help them maintain their housing.
2. ***Moratoria on VAs and COAs:*** The OTA advocated successfully for moratoria on two provisions of the law that are at odds with the very purposes of rent stabilization: Voluntary Agreements (VAs) and Certificates of Assurance (COAs). The VA is a largely unregulated vehicle by which landlords are able to increase rents to exorbitant rates, effectively reducing the District's stock of rent control housing. A COA is an agreement with the District that entitles the owner of rental units that are currently exempt from rent control to a tax subsidy if the building ever becomes subject to rent control.
3. ***Rent control and petition reform:*** the OTA testified extensively on rent control reform legislation that the Council considered in 2020, building on legislation previously drafted by the OTA. The legislation would reduce the standard annual rent increase to more fairly reflect increases in landlords' actual costs; expand the rent control housing stock; tighten requirements around rent increases via petition, and eliminate the excessive 20% vacancy rent increase.
4. ***Replacement reserve accounts:*** As part of its advocacy on rent control reform, the OTA supported requiring landlords to maintain replacement reserve accounts for significant building needs in rent-controlled units. This is intended to prevent the necessity to raise rents via a housing provider petition in order to cover those costs when they arise.
5. ***Eviction record sealing:*** The OTA strongly supported emergency, temporary, and permanent legislation to require the D.C. Superior Court to seal each eviction case after a certain period of time, in order to prevent affected tenants from being perpetually denied access to rental housing due to the stigma of an old eviction. The emergency and temporary legislation has been in effect for most of FY22, and the permanent version is pending second reading by the Council.
6. ***Other "Fairness in Renting" issues e.g. BBL and screening:*** The legislation described above included other provisions for which the OTA provided input and generally supported. These include prohibitions on eviction where the landlord does not have a basic business license for rental housing or where the tenant owes less than \$600; and rules to make the tenant screening process more fair, such as requiring disclosure of criteria up front and prohibiting denial based on credit score alone.
7. ***501(f) rights and relocation assistance:*** The OTA continues (working alongside the Committee on Housing and Executive Administration) to ensure that tenant rights are fulfilled where the tenant must relocate on a temporary basis due to emergency circumstances. Current law under section 501(f) of the Rental Housing Act of 1985 requires the landlord to honor certain tenant rights and provide certain relocation assistance where a temporary relocation is foreseen and applied for by the landlord in advance; however, where the circumstances requiring relocation are sudden and unplanned, the tenant's 501(f) rights are less clear and often not honored because the landlord would not have gone through the statutory 501(f) application process.

Regulatory:

1. **RHC rulemaking:** The OTA submitted substantive comments on the two RHC proposed rulemakings for DCMR Title 14 that were published in FY21 and FY22. (There were three proposed rulemakings in total dating back to 2019.) Several of the OTA's substantive comments were addressed. See below answer for Question #29 for examples.
2. **BEPS rulemaking:** The OTA submitted substantive comments on DOEE's proposed rulemaking on the implementation of the Building Energy Performance Standards (BEPS), as well as comments on the BEPS guidebook and BEPS Affordable Housing Retrofit Accelerator (AHRA) Covenant. The OTA has been mainly concerned with the potential for landlords to implement Capital Improvement (CI) petitions in rent-controlled units to raise rents in order to pay for BEPS-related improvements. The OTA's comments have addressed ways to discourage this practice and incentivize alternatives. For example, the OTA's suggestions for the AHRA covenant will mean that landlords who accept certain grant assistance from the District government for BEPS-related improvements will not be able to "double dip" funds by receiving grant assistance while also raising rents via a CI petition for the same work.

The OTA's FY22 legislative priorities are the following:

1. **Rent increases across the District:** The agency has received an increase in rent increase concerns over the past couple of years, which in many cases have been realized since the rent increase freeze was lifted. This is especially the case for unregulated units. We have even heard from some landlords about exorbitant rent increases that other landlords have imposed.
  2. **Building conditions and deferred maintenance:** The agency has also received an alarming number of tenant complaints regarding the deteriorating condition of rental accommodations. These concerns have arisen all across the District, even in buildings once considered to be luxury accommodations.
  3. **Continuing response to the ongoing pandemic:** The agency continues to monitor issues that are causing concerns regarding the phase-out of PHE-related tenant protections. The Council recently addressed the problem regarding rental payment plans and we look forward to working with the Council on other such matters.
  4. **501(f) rights and relocation assistance:** We are working with the Committee to address certain components of the building conditions issue: the sudden emergency displacement of tenants from buildings deemed uninhabitable, and a clarification that certain tenant rights under the Rental Housing Act apply to these circumstances.
  5. **Residential Lease Reform:** Following up on the OTA-initiated lease reform package approved in 2015, Law 21-210, the OTA has discussed with the Committee further legislation to ensure that tenants get the benefit of their reasonable expectations for the bargain when they sign a lease.
  6. **Lien authority:** Based on the OTA's experience with tenant displacement due to building closures, we would like an amendment to the OTA lien authority statute that would allow the agency to recoup up to 60 days of hotel expenditures, rather than the current 30 days.
28. What new issues have arisen in FY21 and FY22 to date that could require legislative action? How were these issues brought to your attention?

**Response:** The OTA has seen an escalation in two of the problems discussed above:

- *Exorbitant rent increases in unregulated units.*
- *Deteriorating housing conditions and wholesale deferred maintenance even in high-rent areas of the District.*

29. What was OTA’s role in drafting the Rental Housing Act of 1985 rulemaking recently published by the Rental Housing Commission? Briefly describe how the promulgation of new Rental Housing Act regulations will affect the District’s Rent Stabilization Program.

**Response:** The OTA submitted substantive comments on each of the three rulemakings. The final rules favorably address a number of the OTA’s long-standing concerns, including:

- The preservation of rent adjustments that create “*de facto*” rent ceilings in violation of the Council’s 2006 abolition of rent ceilings;
- The “selective implementation” of rent adjustments approved through a housing provider petition process, so that the total cost burden falls unfairly on some tenants, usually those in units with lower rents;
- “Horizontal stacking,” or filing multiple capital improvement (CI) petitions for substantially related work that should be included in the same petition, which enables the landlord to implement multiple surcharges in successive years and thus evade the 20% statutory cap on the per unit CI rent surcharge; and
- Automatic stays of trial decisions pending appeal, particularly as they may favor landlords at the expense of tenants in certain situations.

*Publicly Accessible Rent Control Housing Clearinghouse*

30. The Council passed the Rent Control Housing Clearinghouse Amendment Act of 2015 in Title II, Subtitle V in B21-0158. In fiscal year 2018, the Council transferred responsibility for implementation of the rent control housing database from DHCD to the Office of Tenant Advocate. Please provide in detail a status update on the following aspects of the Publicly Accessible Rent Control Housing Clearinghouse.

a. What is the status of the project?

**Response:** We are currently in the development phase of the database, and are awaiting DCRA’s decision on providing certain critical data fields that are necessary for us to complete development of the database.

b. Please describe what the project will do, where you are in the process, and what the impediments have been to completing this mandate in a timely fashion.

**Response:** In designing and developing the database, our primary goal has been to create an ecosystem where the different participants in the rental housing arena can communicate with each other with ease and effectiveness.

Once completed, the database will serve multiple functions:

1. It will allow for the electronic filing and management of all forms previously filed on paper;

2. It will allow DHCD's Rental Accommodations Division to conduct automatic verifications and to better exercise its enforcement powers;
3. It will serve as the District's comprehensive repository of all rental housing data; and
4. It will use the rental housing data to create reports that will enable policy-makers to make optimally-informed decisions on rental housing related matters.

There have been multiple impediments to completing the database in a timely fashion. Some, such as delays caused by the Office of Contracting and Procurement, have been detailed in previous reports. The most recent impediment has been DCRA's unwillingness or inability to provide the data necessary to complete the database.

- c. Detail collaboration with the Department of Housing and Community Development's (DHCD) Rental Accommodations Division in gathering data for the clearinghouse.

**Response:** The Rent Administrator and other RAD team members have been key partners who have participated throughout the assessment, requirements gathering, design, and development processes. RAD members have been involved in multiple weekly meetings for well over a year, and continue to serve a critical function in collaborating with OTA to gather the necessary data and complete the development of the database.

- d. Detail collaboration with the Department of Consumer and Regulatory Affairs (DCRA) in gathering data for the clearinghouse.

**Response:** OTA regrets to report that its attempted collaboration with DCRA has not led to the desired outcome. Since December 2020, OTA has sought to obtain from DCRA certain data fields that are critical to the proper operation of the database. While OTA was hopeful of receiving the necessary data as recently as September 2021, DCRA made the decision to deny OTA's request and has thus far not provided the data requested.

Beginning in October 2021, the General Counsels of OTA, DCRA, and DHCD have attempted to facilitate the execution of an MOU that would achieve the desired data transfer through the creation of API keys. Those efforts have now stalled, because DCRA has refused to hold any further meetings between the technical experts to finalize the data sets to be provided.

- e. Is there any reason why this project will not be up and running and ready to transfer to DHCD in FY22? If there are, then please describe them.

**Response:** It is unlikely that this project will be completed in FY22. If we are unable to come to an agreement with DCRA for the transfer of the necessary data, we will be forced to engage in a re-design of certain portions of the project, which will undoubtedly cause a delay. If DCRA does agree to provide the needed data fields, it will take at least 2 months to create the API keys and another 3 months to incorporate the data into the database. After that, there may be a need for further testing and collaboration with DCRA before the database is fully operational.