

Janeese Lewis George

Councilmember Janeese Lewis George

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To extend, on an emergency basis, the current foreclosure moratorium until July 1, 2022, to further extend a foreclosure moratorium to September 30, 2022 for homeowners who have an application for certain government homeowner assistance pending approval, pending payment, or under appeal, and to clarify that the Foreclosure Moratorium Extension Temporary Act of 2022 will be effective for 225 days after it completes congressional review.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Foreclosure Moratorium Extension Congressional Review Emergency Amendment Act of 2022”.

Sec. 2. Foreclosure moratorium.

(a)(1) Notwithstanding any other provision of District law, during the time period from March 11, 2020, to June 30, 2022, no:

(A) Residential foreclosure may be initiated or conducted under section 539 or section 95 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1274/1204; D.C. Official Code §§ 42-815 and 42-816) (“section 539 or section 95”);

(B) Sale may be initiated or conducted under section 313(c) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(c)); and

(C) Judgment foreclosing the right of redemption shall be entered under D.C. Official Code § 47-1378.

(2) From July 1, 2022, through September 30, 2022, no residential foreclosure may be initiated or conducted under section 539 or section 95, no sale may be initiated or conducted under section 313(c) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(c)), and no judgment foreclosing the right of redemption shall be entered under D.C. Official Code § 47-1378 if:

(A) A homeowner or their representative applies for financial assistance to cure a debt or default with funds from the Department of Housing and Community Development's Homeowner Assistance Fund (“Homeowner Assistance Funds”), or a similar government fund established to assist homeowners impacted by the COVID-19 public emergency or public health emergency declared pursuant to the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*)(“financial assistance application”);

(B) The financial assistance application is pending approval, pending payment, or under appeal;

(C) Proof of the financial assistance application status described in subparagraph (B) of this paragraph is presented, as a paper copy or through an electronic medium, to the mortgage lender, condominium association, homeowners association, or tax sale

purchaser, or to an agent acting as a representative for any housing or financing entity to which a homeowner is indebted; and

(D) The actions taken pursuant to subparagraphs (A) and (C) of this paragraph occur no later than 60 calendar days after July 1, 2022.

(3) The Mayor, or a designee, shall ensure that a homeowner applying for Homeowner Assistance Funds, or for similar government funds established to assist homeowners impacted by the COVID-19 public emergency or public health emergency declared pursuant to the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is provided with documentation in a timely manner that will enable the applicant to present proof of financial assistance application status as described in paragraph (2) of this subsection.

(b) This section shall not apply to a residential property at which neither a record owner nor a person with an interest in the property as heir or beneficiary of a record owner, if deceased, has resided for at least 275 total calendar days during the 12 months period immediately preceding October 1, 2021.

Sec. 3. Technical Amendment.

Section 4 of the Foreclosure Moratorium Extension Temporary Amendment Act of 2022, enacted February 17, 2022 (D.C. Act 24-344; 69 DCR 1490), is amended to read as follows:

“Sec. 4. Effective Date.

“(a) This act shall take effect following the approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

“(b) This act shall expire after 225 days of its having taken effect.”

Sec. 4. Applicability.

This act shall apply as of April 4, 2022.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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