

Janeese Lewis George

Councilmember Janeese Lewis George

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Foreclosure Moratorium Extension Temporary Amendment Act of 2022 to remove the 60-day deadline for submitting a homeowner assistance fund application, to protect homeowners from foreclosure actions if they submit an application for homeowner assistance before September 30, 2022, and to require housing and financing entities a homeowner is indebted to to provide notice of the District’s Homeowner Assistance Fund prior to initiating a foreclosure.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Foreclosure Moratorium Extension Revision and Homeowner Assistance Fund Promotion Emergency Amendment Act of 2022”.

Sec. 2. Section 2(a) of the Foreclosure Moratorium Extension Temporary Amendment Act of 2022, effective April 8, 2022 (D.C. Law 24-112; D.C. Official Code § 42–851.01) is amended as follows:

(a) Subparagraph (2)(B) is amended to read as follows:

“(B) The financial assistance application is under review, pending approval, pending payment, or under appeal; and”.

37 (b) Subparagraph (2)(C) is amended to read as follows:

38 “(C) Proof of the financial assistance application status described
39 in subparagraph (B) of this paragraph is presented, as a paper copy or through an electronic
40 medium, including through electronic communications facilitated by the online Homeowner
41 Assistance Fund program application portal, to the mortgage lender, condominium association,
42 homeowners association, or tax sale purchaser, or to an agent acting as a representative for any
43 housing or financing entity to which a homeowner is indebted.”.

44 (c) Subparagraph (2)(D) is repealed.

45 (d) A new paragraph (2A) to read as follows:

46 “(2A)(A)(i) After July 1, 2022, all notices to homeowners that initiate,
47 continue, or warn of intention to initiate or continue foreclosure actions sent by a mortgage
48 lender, condominium association, homeowners association, or tax sale purchaser, or an agent
49 acting as a representative for any housing or financing entity to which a homeowner is indebted,
50 shall inform the homeowner of the DC Homeowner Assistance Fund and the September 30,
51 2022 deadline to apply, if they are eligible, pursuant to paragraph (2) of this subsection to delay
52 or prevent further foreclosure action.

53 “(ii) Foreclosure notices prescribed in sub-subparagraph (i)
54 shall not be sent to a homeowner who has taken actions to cure their debts pursuant to
55 paragraph (2) of this subsection.

56 “(B) The notice provided to a homeowner shall inform the
57 homeowner of the existence of the DC Homeowner Assistance Fund and the program’s
58 potential ability to cure eligible housing debts, including the specific type of debt or debts owed
59 to the entity sending the notice.

60 “(C) No later than July 15, 2022, the Mayor shall produce an
61 editable sample foreclosure warning notice to homeowners for use by housing or financing
62 entities to which a homeowner may be indebted. The notice shall be published on the DC
63 Homeowner Assistance Fund website and include:
64 “(i) information about the foreclosure moratorium;
65 “(ii) the availability of homeowner assistance funds and
66 eligibility criteria;
67 “(iii) contact information for housing counseling
68 organizations who are helping administer the homeowner assistance program; and
69 “(iv) the September 30, 2022 deadline to complete an
70 application for assistance in order to prevent or delay possible forthcoming foreclosure actions.”.

71 (e) A new paragraph (2B) to read as follows:

72 “(2B)(A) The Mayor shall make every effort to make payments by
73 September 30, 2022 to qualified homeowners, their representatives, or housing or financing
74 entities to which a homeowner is indebted to cure any debts or defaults eligible for assistance
75 through Homeowner Assistance Fund.

76 “(B) If a homeowner submitted a financial assistance application
77 prior to September 30, 2022 and provided proof of the application status pursuant to subparagraph
78 (2)(C) of this subsection, and the application remains under review, pending approval, pending
79 payment, or under appeal as of September 30, 2022, the homeowner shall not be subject to:

80 “(i) A residential foreclosure initiated or conducted
81 under section 539 or section 95;

82 “(ii) A sale initiated or conducted under section 313(c) of
83 the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code §
84 42-1903.13(c)); or

85 “(iii) A judgment foreclosing the right of redemption
86 under D.C. Official Code § 47-1378.”.

87 Sec. 3. Fiscal impact statement.

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

91 Sec. 4. Effective date.

92 This act shall take effect following approval by the Mayor (or in the event of veto by the
93 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
94 90 days, as provided for emergency acts of the Council of the District of Columbia in section
95 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
96 D.C. Official Code § 1-204.12(a)).