

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Rental Housing Act of 1985 to enact a moratorium on applications for, and the Mayor’s issuance of, certificates of assurance associated with District rent stabilization laws.

RESOLVED, BY THE COUNCIL DISTRICT OF COLUMBIA, That this resolution may be cited as the “Certificate of Assurance Moratorium Extension Emergency Declaration Resolution of 2023”.

Sec. 2. (a) Section 221 of the Rental Housing Act of 1985 (D.C. Code § 42-3502.21) allows owners of housing accommodations to apply for certificates of assurance from the Mayor, which would provide that in the event their properties become subject to any rent stabilization, the owners would recover in the form of a District real estate tax credit the difference between the annual fair market rents and the annual amount of stabilized rents the owners receive from the tenants in the housing accommodations.

(b) Because the certificate of assurance entitlement lasts for as long as the properties remain housing accommodations, the entitlement may create a potentially prohibitive fiscal impact on future legislation.

(c) Implementation barriers and concerns kept the program from ever being fully operational.

(d) On September 22, 2020, the Council passed the Certificate of Assurance

29 Moratorium Emergency Amendment Act of 2020 (Bill 23-0900), which placed an
30 emergency moratorium on applications for, and the Mayor's issuance of, certificates of
31 assurance to owners of housing accommodations.

32 (d) On June 29, 2021, the Council passed the Certificate of Assurance Moratorium
33 Extension Emergency Amendment Act of 2021 (Bill 24-0314) and the Certificate of
34 Assurance Moratorium Extension Temporary Amendment Act of 2021 (Bill 24-0315) to
35 extend the moratorium.

36 (e) On May 3, 2022, the Council passed the Certificate of Assurance Moratorium
37 Extension Emergency Amendment Act of 2022 (Bill 24-0772) and the Certificate of
38 Assurance Moratorium Extension Temporary Amendment Act of 2022 (Bill 24-0773) to
39 again extend the moratorium.

40 (f) The Certificate of Assurance Moratorium Emergency Amendment Act of 2023
41 is necessary to maintain the status quo and give the Council time to carefully deliberate
42 an appropriate course of action regarding certificates of assurance.

43 Sec. 3. The Council of the District of Columbia determines that the circumstances
44 enumerated in section 2 constitute emergency circumstances making it necessary that the
45 Certificate of Assurance Moratorium Extension Emergency Amendment Act of 2023 be adopted
46 after a single reading.

47 Sec. 4. This resolution shall take effect immediately.