

COMMITTEE ON HOUSING

ROBERT C. WHITE, JR., CHAIR
COUNCIL OF THE DISTRICT OF COLUMBIA

MEMORANDUM

TO: Chairman Phil Mendelson
FROM: Councilmember Robert C. White, Jr.
Chair, Committee on Housing
DATE: September 14, 2023
RE: Requests for September 19, 2023

I request that the following measures be placed on the agenda for the legislative meeting of the Council on September 19, 2023:

Emergency and Temporary Legislation

- **Housing Authority Stabilization and Reform Emergency Declaration Resolution of 2023**
- **Housing Authority Stabilization and Reform Emergency Amendment Act of 2023**
- **Housing Authority Stabilization and Reform Temporary Amendment Act of 2023**

These measures would keep in place certain temporary changes in the governance of the District of Columbia Housing Authority (DCHA). DCHA provides housing assistance to tens of thousands of lower-income District residents through various federally- and locally-funded programs. Late last year, the federal Department of Housing and Urban Development released a sweeping report identifying major deficiencies in DCHA's governance and the reliability of its services. This was one of several high-profile indications that a major change was in order. The Mayor and Council responded by, among other things, establishing a temporary Stabilization and Reform Board of Commissioners ("STAR Board") and instituting periodic reporting requirements. The STAR Board will recommend permanent governance changes in Summer 2024. In the interim, the attached measures would keep the STAR Board's legal mandate and other accountability measures in place to help maintain DCHA's ongoing efforts to become a best-in-class public housing authority.

- **Tenant Payment Plan Phasing Continuation Emergency Declaration Resolution of 2023**
- **Tenant Payment Plan Phasing Continuation Emergency Amendment Act of 2023**
- **Tenant Payment Plan Phasing Continuation Temporary Amendment Act of 2023**

During the pandemic, the Council legislated protections for eligible residential and commercial tenants, which required rental providers to offer a rent payment plan program through which tenants could pay rents over the course of at least one year due to financial hardship as a demonstrated result of COVID-19. Under the law, providers could not report to credit reporting agencies as delinquent any payments made under an agreed upon plan. The coverage period for providing a payment plan option was from March 11, 2020, through July 25, 2022, with a minimum repayment period of 1 year. Providers were also required to maintain any tenant's application record for at least 3 years.

Due to the expiration of this and other COVID-19 protections in February 2022, Council passed two rounds of emergency and temporary legislation to maintain this tenant payment plan protection and avoid disrupting repayment agreements between providers and tenants. The existing Temporary measure (B24-1132, the “Tenant Payment Plan Phasing Continuation Temporary Act of 2022”) will expire on October 21, 2023. These new emergency and temporary measures are therefore necessary to ensure continuity in the law for tenants whose payment plans are not yet complete and to uphold the requirement that providers retain payment plan application records for at least 3 years.

- **Voluntary Agreement Moratorium Emergency Declaration Resolution of 2023**
- **Voluntary Agreement Moratorium Emergency Amendment Act of 2023**
- **Voluntary Agreement Moratorium Temporary Amendment Act of 2023**

Section 215 of the Rental Housing Act of 1985 allows housing providers to enter into “voluntary agreements” with tenants to adjust rents, building conditions, and other services in a building. Landlords must file voluntary agreements with the Rent Administrator, whose position is located within the Department of Housing and Community Development (DHCD). In December 2020, the Council unanimously passed a 2-year moratorium on voluntary agreements to mitigate the harm some voluntary agreements have caused tenants and to determine a long-term solution that will serve both tenants and landlords. The measure took effect on October 1, 2021, and will expire on October 1, 2023. These emergency and temporary measures are necessary to extend the moratorium for one year to maintain the continuity of the current moratorium while Council considers alternatives to voluntary agreements, including legislation recently introduced that would abolish voluntary agreements on a permanent basis.

Congressional Review Emergency Legislation

- **Advisory Neighborhood Commission Remote Operations Congressional Review Emergency Declaration Resolution of 2023**
- **Advisory Neighborhood Commission Remote Operations Congressional Review Emergency Amendment Act of 2023**

This legislation would ensure that Advisory Neighborhood Commissions (ANCs) remain authorized to conduct meetings virtually or in hybrid fashion, consistent with authority that has been available to them continuously since shortly after the onset of the COVID-19 pandemic. The Committee on Housing plans to consider a permanent to change to this effect during Council Period 25. In the meantime, on July 11, 2023, the Council both passed an extension on emergency basis and approved a temporary version of the extension on first reading. The Council is expected to consider the temporary version of the extension on second reading at the September 19, 2023 legislative meeting, but further emergency legislation is also necessary to prevent a gap in applicability while the temporary measure awaits Congressional review.

- **Foreclosure Moratorium and Homeowner Assistance Fund Coordination Congressional Review Emergency Declaration Resolution of 2023**
- **Foreclosure Moratorium and Homeowner Assistance Fund Coordination Congressional Review Emergency Amendment Act of 2023**

As part of its response to the COVID-19 pandemic, the District imposed a temporary moratorium on residential foreclosures. In 2022, through emergency and temporary legislation, Council ended the blanket moratorium, but maintained protection from foreclosure for homeowners who had already applied for support from the Homeowner Assistance Fund (HAF) prior to November 11, 2022. As of June 20, 2023, the Department of Housing and Community Development was still processing 400 HAF applications. Therefore, on July 11, 2023, the Council both passed an extension on an emergency basis and approved a temporary version of the extension on first reading. The Council is expected to consider the temporary version of the extension on second reading at the September 19, 2023 legislative meeting, but further emergency legislation is also necessary to prevent a gap in applicability while the temporary measure awaits Congressional review.

Contract Approval Legislation at the Request of the Executive

The following legislation at the request of the executive would approve contracts retroactively. This legislation was not submitted timely due to a misunderstanding within the administration regarding the expiration date of OMS's emergency procurement authority. According to the Migrant Services and Supports Emergency Act of 2022, OMS's emergency procurement authority expired in December 2022. However, the administration failed to recognize this change and believed incorrectly that this authority extended until the temporary measure expired in August 2023. Emergency legislation is necessary to ensure that migrant services can continue without lapse.

- **Contract No. CW105986 with Axar Management, LLC d/b/a Quality Inn & Suites Approval and Payment Authorization Emergency Declaration Resolution of 2023**
- **Contract No. CW105986 with Axar Management, LLC d/b/a Quality Inn & Suites Approval and Payment Authorization Emergency Act of 2023**

This legislation approves Contract No. CW105986, and Modification Nos. 1 and 2 to the contract between the Department of Human Services (DHS) on behalf of the Office of Migrant Services (OMS) and Axar Management, doing business as the Quality Inn, which is presently accommodating 123 migrant families. Presently the District works with hotels to house vulnerable migrant families. The contract's primary purpose is to provide emergency temporary accommodations for migrants at the Quality Inn. The Quality Inn has the capacity to house 130 families. The contract has a not-to-exceed value of \$7,714,205.60. The contract and its modifications cover payments between February 15, 2023, through June 30, 2024.

- **Contract No. CW103879 with SAMU Foundation d/b/a SAMU First Response Approval and Payment Authorization Emergency Declaration Resolution of 2023**
- **Contract No. CW103879 with SAMU Foundation d/b/a SAMU First Response Approval and Payment Authorization Emergency Act of 2023**

This legislation approves Contract No. CW103879 between DHS and SAMU, the organization responsible for managing OMS's Welcome and Respite Center, the primary point of entry for migrants arriving in the District. The contract carries the not-to-exceed amount of \$2,964,514.56.

The contract's base period runs from March 6, 2023, through September 30, 2023. SAMU was selected based on its experience in providing humanitarian support, welcome and respite center services, and its capacity to respond rapidly to the influx of migrants into the District. SAMU had a track record of providing similar services for neighboring jurisdictions like Montgomery County, Maryland.

Ceremonial Resolutions

- **Housing Cooperative Month Recognition Resolution of 2023**

October is recognized across the country as National Co-Op Month. Collective ownership models like cooperatives play an important part in the District's housing market. This ceremonial highlights the fundamental values and principles of housing cooperatives, the 100-year history of cooperatives in DC, and the ongoing efforts to deepen the District's understanding of market rate and limited equity housing cooperatives.

- **International Wrongful Conviction Day Recognition Resolution of 2023**

This resolution seeks to commemorate October 2nd, 2023, as International Wrongful Conviction Day in Washington, DC. Since 1989, the United States has seen the exposure of over 3,360 wrongful convictions, including 26 within the District. This resolution underscores the profound personal, social, and emotional toll exacted by wrongful convictions. Further, this resolution also pays tribute to former Chief Judge Robert E. Morin of the DC Superior Court (DCSC), who, before his tenure as a judge, zealously defended indigent defendants who faced wrongful convictions. Notably, he represented the first American exonerated through DNA evidence.