

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency, due to congressional review, with respect to the need to continue existing requirements for providers of commercial or residential rental property to abide by agreed upon rent payment plans with eligible tenants.

RESOLVED, BY THE COUNCIL DISTRICT OF COLUMBIA, That this resolution may be cited as the “Tenant Payment Plan Phasing Continuation Congressional Review Emergency Declaration Resolution of 2023”.

Sec. 2. (a) During the COVID-19 pandemic, the Council created protections and procedural changes to address the widespread ramifications of the public health emergency and its aftermath. The District removed the initial COVID-19 public health emergency in July 2021. The Coronavirus Support Temporary Amendment Act of 2021, effective June 24, 2021 (D.C. Law 24-9; 68 DCR 4824) (“Temporary Act”), which contained many of the longer-term protective measures, expired on February 4, 2022.

(b) For commercial and residential tenants, provisions in the Temporary Act provided that their rental provider were required to offer a rent payment plan for eligible tenants between March 11, 2020, and July 25, 2022. The payment plans had to have a minimum term

34 length of one year, unless otherwise agreed upon by the tenant and provider, during which time  
35 providers could not report to credit reporting agencies as delinquent any payments made under  
36 an agreed upon plan. The Temporary Act also required providers to retain tenant payment plan  
37 applications for at least 3 years.

38 (c) The Council passed two rounds of emergency and temporary legislation to ensure  
39 continuity in the law for tenants whose payment plans are not yet complete and to uphold the  
40 requirement that providers retain payment plan application records for at least 3 years.

41 (d) On September 19, 2023, the Council adopted a third round of emergency legislation  
42 called the “Tenant Payment Plan Phasing Continuation Emergency Act of 2023”. The Act  
43 became law on October 11, 2023 and expires on January 9, 2024.

44 (e) On October 3, 2023, the Council adopted a corresponding third round of temporary  
45 legislation called the “Tenant Payment Plan Phasing Continuation Emergency Act of 2023”. The  
46 temporary measure was enacted without the Mayor’s signature on October 26, 2023 and was  
47 transmitted to Congress on November 6, 2023.

48 (f) This measure is not projected to become law until January 17, 2024. This identical  
49 emergency legislation is therefore necessary to prevent a gap in the law between the expiration  
50 of the emergency act and the effective date of the temporary act.

51 Sec. 3. The Council of the District of Columbia determines that the circumstances  
52 enumerated in section 2 constitute emergency circumstances making it necessary that the Tenant  
53 Payment Plan Phasing Continuation Congressional Review Emergency Act of 2023 must be  
54 adopted after a single reading.

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