

A PROPOSED RESOLUTION

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 amend the Rental Housing Act of 1985 to maintain a moratorium on voluntary agreements.

RESOLVED, BY THE COUNCIL DISTRICT OF COLUMBIA, That this resolution may be cited as the “Voluntary Agreement Moratorium Congressional Review Emergency Declaration Resolution of 2023”.

Sec. 2. (a) Section 215 of the Rental Housing Act of 1985 (D.C. Code § 42-3502.21) allows housing providers to enter into an agreement with 70% or more of the tenants in a housing accommodation to establish the rent charged, to make changes to services and facilities, and to provide for capital improvements. These agreements are called voluntary agreements and must be filed with the Rent Administrator.

(b) In September 2020, the former Committee on Housing and Neighborhood Revitalization held a hearing to contemplate Bill 23-878, the “Voluntary Agreement Moratorium Amendment Act of 2020,” which would impose a 2-year moratorium on

34 voluntary agreements. According to the Committee Report, a majority of public  
35 witnesses, then-Director of the Department of Housing and Community Development  
36 Polly Donaldson, and Chief Tenant Advocate Johanna Shreve testified in support of the  
37 moratorium; many expressed that the legislation should go further and eliminate  
38 voluntary agreements altogether. A few testimonies stated the importance of voluntary  
39 agreements to small landlords, though most focused on the negative impact voluntary  
40 agreements have had on tenants' rights and the affordable housing stock.

41 (c) In December 2020, the Council unanimously passed the 2-year moratorium.  
42 Because the measure was subject to appropriations, the moratorium ultimately took effect  
43 at the beginning of Fiscal Year 2022 on October 1, 2021.

44 (d) In July 2023, Councilmember Bonds introduced legislation that would  
45 eliminate voluntary agreements on a permanent basis. The Council has not yet held a  
46 hearing on this new legislation.

47 (e) The existing 2-year moratorium expired on October 1, 2023.

48 (f) On September 19, 2023, the Council adopted the "Voluntary Agreement  
49 Moratorium Emergency Amendment Act of 2023" to extend the moratorium for one  
50 year, which will give the Council time to deliberate a permanent legislative solution. The  
51 Act became law on October 11, 2023 and expires on January 9, 2024.

52 (g) On October 3, 2023, the Council adopted the "Voluntary Agreement Moratorium  
53 Temporary Amendment Act of 2023". The temporary measure was enacted without the Mayor's  
54 signature on October 26, 2023 and was transmitted to Congress on November 6, 2023.

55 (h) This measure is not projected to become law until January 17, 2024. This identical

56 emergency legislation is therefore necessary to prevent a gap in the law between the expiration of  
57 the emergency act and the effective date of the temporary act.

58           Sec. 3. The Council of the District of Columbia determines that the circumstances  
59 enumerated in section 2 constitute emergency circumstances making it necessary that the  
60 Voluntary Agreement Moratorium Emergency Amendment Act of 2023 be adopted after a  
61 single reading.

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