

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: November 30, 2023
RE: Requests for December 5, 2023



I request that the following legislation be placed on the agenda for the legislative meeting of the Council on December 5:

Emergency Legislation

- **Green Housing Transition Extension Emergency Declaration Resolution of 2023**
- **Green Housing Transition Extension Emergency Amendment Act of 2023**

At our June 20 legislative meeting, the Council passed emergency legislation at the behest of the Department of Housing and Community Development (DHCD) to exempt certain affordable housing projects already in the development pipeline from the Greener Government Buildings Amendment Act of 2023. Additional emergency action is needed to make sure that we do not adversely affect affordable housing proposals that have already received some financial support from the District government but are still expected to participate in an upcoming round of DC Housing Finance Agency financing in January.

Congressional Review Emergency Legislation

- **Housing Authority Stabilization and Reform Congressional Review Emergency Declaration Resolution of 2023**
- **Housing Authority Stabilization and Reform Congressional Review Emergency 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. Congressional Review Emergency legislation is necessary as the prior emergency act will expire on January 9th, 2024, while the accompanying temporary legislation is not projected to

take effect until January 17th, 2024.

- **Tenant Payment Plan Phasing Continuation Congressional Review Emergency Declaration Resolution of 2023**
- **Tenant Payment Plan Phasing Continuation Congressional Review Emergency 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 3 rounds of emergency and temporary legislation 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. The existing emergency measure expires on January 9, 2024, and the corresponding temporary measure is not projected to become law until January 17, 2024. Congressional Review Emergency legislation is necessary to prevent a gap in the law.

- **Voluntary Agreement Moratorium Congressional Review Emergency Declaration Resolution of 2023**
- **Voluntary Agreement Moratorium Congressional Review Emergency 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 currently 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 expired on October 1, 2023. In September and October, Council passed emergency and temporary measures, respectively, to extend the moratorium for one year while Council considers alternatives to voluntary agreements. The emergency measure expires on January 9, 2024, and the corresponding temporary measure is not projected to become law until January 17, 2024. Congressional Review Emergency legislation is necessary to prevent a gap in the law.