

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, Chapter 39 of Title 28 of the District of Columbia Official Code to clarify that the District government is not a merchant under the District’s consumer protection law, except with respect to the application of that Chapter’s landlord-tenant relations provisions to the District of Columbia Housing Authority.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Consumer Protection Clarification Emergency Amendment Act of 2024”.

Sec. 2. Section 28-3901 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a)(3) is amended to read as follows:

“(3)(A) “merchant” means a person, whether organized or operating for profit or for a nonprofit purpose, who in the ordinary course of business does or would sell, lease (to), or transfer, either directly or indirectly, consumer goods or services, or a person who in the ordinary course of business does or would supply the goods or services which are or would be the subject matter of a trade practice.

“(B) Except as provided in subsection (e) of this section, “merchant” shall not include the District of Columbia, its agencies or instrumentalities, or any employee thereof acting within the scope of the employee’s official duties;”

(b) Subsection (e) is amended to read as follows:

30           “(e) Notwithstanding any other provision of this chapter, this chapter’s application to  
31 landlord-tenant relations shall include the District of Columbia Housing Authority’s activities as  
32 a landlord; provided, that this chapter shall not be construed to otherwise apply to the District of  
33 Columbia, its agencies or instrumentalities, or any employee thereof acting within the scope of  
34 the employee’s official duties.”.

35           Sec. 3. Applicability.

36           (a) Section 2(a) of this act shall apply as of June 12, 2007.

37           (b) Section 2(b) of this act shall apply as of November 3, 2022.

38           Sec. 4. Fiscal impact.

39           The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
40 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
41 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

42           Sec. 5. Effective Date.

43           This act shall take effect following approval by the Mayor (or in the event of veto by the  
44 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
45 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
46 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
47 D.C. Official Code § 1-204.12(a)).