

AN ACT

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Columbia
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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Rental Housing Act of 1985 to ensure that tenants evicted under section 501 for nonpayment of rent are accorded the option of having their personal possessions placed in storage for up to 90 days at the expense of the government of the District of Columbia and to provide that if the stored property is not retrieved by the end of 90 days, the storage facility may sell or otherwise dispose of the property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Evictions with Dignity Amendment Act of 2008".

Sec. 2. Section 501 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3505.01), is amended by adding new subsections (o) and (p) to read as follows:

Amend
§ 42-3505.01

"(o)(1)(A) The Mayor shall create a moving and storage assistance program, whereby tenants displaced due to nonpayment of rent, who are ineligible to receive relocation assistance as set forth in title VII, shall be entitled to receive storage assistance for their personal property at the expense of the government of the District of Columbia for no longer than 90 days.

“(B) The Department of Human Services shall administer the program.

“(C)(i) The program shall be limited to 500 persons per fiscal year.

“(ii) Priority for participation in the program shall be given to seniors, families with children, and veterans.

“(D) No tenant shall be permitted to utilize the program more than once per fiscal year.

“(E) The maximum amount of District of Columbia funding allowed per tenant household for storage assistance under this program shall be \$750.

“(F) For the purposes of this paragraph "storage assistance" includes moving a tenant's items out of the rental unit, loading, transportation, delivery to a storage facility, unloading at the facility, and paying the storage fees.

“(2) This subsection shall be subject to the availability of funds.

“(3)(A) The Mayor shall enter into a contract with one or more moving companies to load and transport to a storage facility the property of a tenant who qualifies for

the program.

“(B) The Mayor shall enter into a contract with one or more storage facilities to provide storage space for the property.

“(C)(i) The Mayor shall authorize the facility storing the property to sell or otherwise dispose of the personal property stored under this subsection if the property is not retrieved by the tenant before the expiration of the 90-day period.

“(ii) A tenant, the storage company selected to store the tenant’s property, and the Mayor or Mayor’s agent shall enter into an agreement that states that the storage company may sell, auction off, or dispose of the stored property of the tenant if the tenant does not reclaim his or her property within the 90-day period.

“(D) A tenant shall have the option, upon expiration of the 90-day period, to privately enter into a contract with the storage company holding his or her property to continue storing the tenant’s property at the tenant’s expense. A tenant shall then be subject to the regular rules and policies of the storage company.

“(E) The storage facility shall maintain contact information for tenants as well as 2 alternative contacts, if available. The storage facility shall attempt to contact a tenant and his or her alternative contacts by phone prior to the expiration of the 90-day period.

“(F) If the storage company receives money as a result of property sold pursuant to this subsection, the storage company shall deduct the amount received from the District's storage bill.

“(4) Tenants shall sign an agreement releasing the District of any and all liability due to damage or loss of property.

“(5)(A) The Mayor shall create an application procedure for the program. As part of the application process, the tenant shall file the application as soon as possible upon notification by the United States Marshall that a writ of restitution has been ordered by the Superior Court of the District of Columbia.

“(B) If the Mayor is not able to move the tenant’s property prior to the execution of the writ of restitution, the eviction authorized by this section shall continue pursuant to the court order and the Mayor shall not be required to move and store the tenants property under this subsection.

“(6)(A) The Mayor shall produce and make available to landlords an informational document detailing the procedures tenants may take to participate in the program.

“(B) The Mayor shall maintain copies of the document in the Mayor’s office, on the District’s website, in the Office of the Tenant Advocate, and in any other location that the Mayor considers necessary to ensure that sufficient notification of the program is given to District residents.

“(7) Any landlord, before applying for a writ of restitution, must deliver to the tenant, by next-day express mail, a copy of the informational document created by the Mayor pursuant to paragraph (6)(A) of this subsection.

“(8) Tenants shall have the right to enter the storage facility throughout the 90-day period for the purpose of removing property.

“(9)(A) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules within 90 days of the effective date of the Evictions with Dignity Amendment Act of 2008, passed on 2nd reading on February 5, 2008 (Enrolled version of Bill 17-61), to implement the provisions of this subsection.

“(B) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, and legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

“(10) The Department of Human Services shall submit a report to the Council no later than January 1, 2009, and yearly thereafter. The report shall include:

“(A) The number of applications submitted to the program;

“(B) The number of participants accepted to the program;

“(C) The number of participants successfully completing the program;

“(D) Actual costs to the District of Columbia; and

“(E) Recommendations for the program’s continuation.

“(p) No writ of restitution ordered pursuant to this section shall be executed without at least 3 days notice following the order.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia