

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Rental Housing Conversion and Sale Act of 1980 and the Rental Housing Act of 1985 to ensure that the definition of persons with disabilities is consistent with the Human Rights Act of 1977 and the Americans With Disabilities Act of 1990.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Definition of Persons With Disabilities A.D.A. Conforming Amendment Act of 2006”.

Sec. 2. Section 208(c)(1)(B)(ii) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980, (D.C. Law 3-86; D.C. Official Code § 42-3402.08(c)(1)(B)(ii)), is amended as follows:

Amend
§ 42-3402.08

(a) Sub-sub-subparagraph (I) is amended to read as follows:

“(I) Has a disability as defined in section 3(2)(A) of the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 329; 42 U.S.C. § 12102(2)(A)), and 29 C.F.R. § 1630.2(g)(1)”.

(b) Sub-sub-subparagraph (II) is amended by striking the phrase “may request” and inserting the phrase “shall require” in its place.

(c) Sub-sub-subparagraph (III) is amended to read as follows:

“(III) The Mayor shall maintain records of the information compiled under this sub-subparagraph; provided, that the Mayor:

“(aa) Shall not disclose information about a tenant's disability unless the disclosure is required by law;

“(bb) May provide a list of eligible voters upon request; and

“(cc) May make a list of eligible voters available at the site of the tenant election.”.

Sec. 3. Section 206(f) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.06(f)), is amended as follows:

Amend
§ 42-3502.06

(a) Paragraph (2)(A) is amended to read as follows:

“(A) “Tenant with a disability” means a person who has:

“(i) A disability, as defined in section 3(2)(A) of the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 329; 42 U.S.C. § 12102(2)(A)) and 29 C.F.R. § 1630.2(g)(1); and

“(ii) An income of not more than \$40,000 per year at the time of

approval by the Rent Administrator of a petition for capital improvements pursuant to section 210.”.

(b) A new paragraph (2A) is added to read as follows:

“(2A)(A) In making a determination that a tenant qualifies as a tenant with a disability under this subsection, the Mayor shall limit the inquiry to the minimum information and documentation necessary to establish that the tenant meets the definition of a person with a disability and shall not inquire further into the nature or severity of the disability. The Mayor shall not require the tenant to provide a description of the disability when making an eligibility determination; provided, that the Mayor shall require that a physician or other licensed healthcare professional verify that a tenant meets the definition of a person with a disability. The Mayor shall not require the tenant to provide eligibility documentation in less than 30 days.

“(B) The Mayor shall maintain records of the information compiled under this paragraph; provided, that the Mayor shall not disclose information about a tenant's disability unless the disclosure is required by law.

“(C) The Mayor shall develop such forms and procedures as may be necessary to verify eligibility under this subsection.”.

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 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