

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 provide protection from eviction to victims of intrafamily offenses, and to provide a release from certain lease obligations should an intrafamily offense victim's safety be in jeopardy; and to amend the Human Rights Act of 1977 to prohibit housing discrimination against victims of intrafamily offenses.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Protection from Discriminatory Eviction for Victims of Domestic Violence Amendment Act of 2006".

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501 *et seq.*), is amended as follows:

(a) The title of Title V is amended by striking the phrase "EVICTIONS; RETALIATORY ACTION" and inserting the phrase "EVICTIONS; RETALIATORY ACTION; AND OTHER MATTERS" in its place.

(b) Section 501 (D.C. Official Code § 42-3505.01) is amended by adding a new subsection (c-1) to read as follows:

Amend  
§ 42-3505.01

"(c-1)(1) It shall be a defense to an action for possession under subsections (b) or (c) of this section that the tenant is a victim, or is the parent or guardian of a minor victim, of an intrafamily offense or actions relating to an intrafamily offense, as defined in D.C. Official Code § 16-1001(5), if the Court determines that the intrafamily offense, or actions relating to the intrafamily offense, are the basis for the notice to vacate.

"(2) If, as a result of the intrafamily offense or the actions relating to the intrafamily offense that is the basis for the notice to vacate, the tenant has received a temporary or civil protection order ordering the respondent to vacate the home, the court shall not enter a judgment for possession.

"(3) If, as a result of the intrafamily offense or the actions relating to the intrafamily offense that is the basis for the notice to vacate, the tenant provides to the court a copy of a police report written within the preceding 60 days or has filed for but has not received a temporary or civil protection order ordering the respondent to vacate the home, the court shall

have the discretion not to enter a judgment for possession under this title.”.

(c) New sections 507 and 508 are added to read as follows:

“Sec. 507. Notice of lease termination by tenant who is a victim of an intrafamily offense. “(a) For purposes of this section, the term "qualified third party" means any of the following persons acting in their official capacity:

“(1) A law enforcement officer, as defined in section 102(14) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § § 4-1301.02(14));

“(2) A sworn officer of the D.C. Housing Authority Office of Public Safety;

“(3) A health professional, as defined in section 101(8) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01(8)); or

“(4) A domestic violence counselor as defined D.C. Official Code § 14-310(a)(2)).

“(b) If a tenant, who is a victim, or who is the parent or guardian of a minor victim, of an intrafamily offense or actions relating to an intrafamily offense, as defined in D.C. Official Code § 16-1001(5), provides a housing provider with a copy of an order under D.C. Official Code § 16-1005 in response to a petition filed by or on behalf of the tenant, the tenant shall be released from obligations under the rental agreement.

“(c) If a tenant who is a victim, or who is the parent or guardian of a minor victim, of an intrafamily offense or actions relating to an intrafamily offense, as defined in D.C. Official Code § 16-1001(5), provides a housing provider with documentation signed by a qualified third party showing that the tenant has reported the intrafamily offense to the third party acting in his or her official capacity, the tenant shall be released from obligations under the rental agreement.

“(d) The release from a rental agreement shall be effective upon the earlier of:

“(1) Fourteen days after the housing provider receives:

“(A) Written notice of the lease termination under this section; and

“(B) Documentation pursuant to subsection (b) or (c) of this section; or

“(2) Upon the commencement of a new tenancy for the unit.

“(e) Any request by the tenant for termination of the rental agreement under this section shall be made within 90 days of the reported act, event, or circumstance that was cited in the petition or reported to a qualified third party.

“(f) Notwithstanding any penalty provided under a rental agreement, a tenant who is released from the rental agreement under this section shall be liable only for his or her rental payment obligation, pro-rated to the earlier of:

“(1) The date the housing provider rents the unit to a new tenant or party who succeeds to the tenant's rights under the original agreement; or

“(2) Fourteen days after the request for the release.”.

“(g) This section shall not affect section 2908 of the Housing Regulations of the District

of Columbia, effective August 11, 1955 (C.O. 55-1503; 14 DCMR § 308 through § 311), or the tenant's liability for delinquent, unpaid rent, or other sums owed to the housing provider before the lease was terminated by the tenant under this section.

“Sec. 508. Victims of an intrafamily offense protection – change locks and notice.

“(a) Upon the written request of a tenant who is the victim of an intrafamily offense, as defined in D.C. Official Code § 16-1001(5), a housing provider shall change the locks to all entrance doors to that tenant’s unit within 5 business days; provided, that if the perpetrator of the intrafamily offense is a tenant in the same dwelling unit as the tenant who makes the request, the tenant who makes the request shall provide the landlord with a copy of a protective order issued pursuant to D.C. Official Code § 16-1005 ordering the perpetrator to stay away from, or avoid, the tenant who makes the request, any other household member, or the dwelling unit. If the perpetrator of the intrafamily offense is not, or is no longer, a tenant in the same dwelling unit as the tenant who makes the request, no documentation of the intrafamily offense shall be required.

“(b) The housing provider shall pay the cost of changing the locks. No later than 45 days after the housing provider provides the tenant who makes the request with documentation of the cost of changing the locks, the tenant shall reimburse the housing provider for such cost and any associated fee; provided, that the fee shall not exceed the fee imposed on any other tenant for changing the locks under any other circumstances.

“(c) Upon receipt of a copy of the court order pursuant to subsection (a) of this section, unless the court orders that the perpetrator be allowed to return to the unit for some purpose, the housing provider shall not provide the perpetrator with keys to the unit or otherwise permit the perpetrator access to the unit or to property within the unit.

“(d) The housing provider shall not be liable to the perpetrator for any civil damages as a result of actions the housing provider takes to comply with this section.

“(e) This section shall not be construed to relieve the perpetrator of any obligation under a lease agreement or any other liability to the housing provider.”.

Sec. 3. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 2-1401.01) is amended by striking the phrase “source of income,” and inserting the phrase “source of income, status as a victim of an intrafamily offense,” in its place.

Amend  
§ 2-1401.01

(b) Section 102 (D.C. Official Code § 2-1401.02) is amended by adding a new paragraph (14A) to read as follows:

Amend  
§ 2-1401.02

“(14A) “Intrafamily offense” means an offense as defined in D.C. Official Code § 16-1001(5).”.

(c) Section 221 (D.C. Official Code § 2-1402.21) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “source of income,” and

Amend  
§ 2-1401.21

inserting the phrase “source of income, status as a victim of an intrafamily offense,” in its place.

(2) Subsection (b) is amended by striking the phrase “source of income,” and inserting the phrase “source of income, status as victim of an intrafamily offense,” in its place.

(3) A new subsection (f) is added to read as follows:

"(f) *Victims of intrafamily offenses* –

“(1) For purposes of this subsection, the term “record” means documentation produced by a law enforcement officer, as defined in section 102(14) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(14)), or a court order pursuant to D.C. Official Code § 16-1005.

“(2) It shall be an unlawful discriminatory practice to do any of the acts prohibited in subsections (a) and (b) of this section wholly or partially based on the fact that a person residing, or intending to reside, in the dwelling is, has a record of being, a victim of an intrafamily offense, as defined in D.C. Official Code § 16-1001(5).

“(3) It shall be an unlawful discriminatory practice to do any of the following additional acts, for purposes of this subsection, wholly or partially based on the fact that a person residing, or intending to reside, in the dwelling is, or has a record of being, a victim of an intrafamily offense, as defined in D.C. Official Code § 16-1001(5):

“(A) Refusing to make a reasonable accommodation in restoring or improving security and safety measures beyond the housing provider’s duty of ordinary care and diligence, the costs of which the housing provide may charge to the tenant, when an accommodation is necessary to ensure the person’s security and safety;

“(B) Refusing to permit a person to terminate the lease of the premises early, without penalty, upon notice to the landlord and upon a showing that the person is a victim of an intrafamily offense, pursuant to section 507 of the Rental Housing Act of 1985, passed on 2<sup>nd</sup> reading on December 19, 2006 (Enrolled version of Bill 16-703);

“(C)(i) Barring or limiting the right of a person to call for police or emergency assistance, which right, for purposes of this subsection, shall not be waivable; or

“(ii) Imposing any penalty for calling police or emergency assistance.”.

#### Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 603(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. 5. 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.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia