

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 7-30

"Tenant Assistance Program and Rental Housing
Commission Amendment Act of 1987".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 7-226 on first and second readings, June 30, 1987, and July 14, 1987, respectively. Following the signature of the Mayor on July 21, 1987, this legislation was assigned Act 7-58, published in the August 14, 1987, edition of the D.C. Register, (Vol. 34 page 5304) and transmitted to Congress on July 22, 1987 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 7-30, effective October 2, 1987.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 22,23,24,27,28,29,30,31

August 3,4,5,6,7

September 9,10,11,14,15,16,17,18,21,22,23,24,25,28,29,30

October 1

D.C. LAW 7 - 30

RESPECTIVE
DATE OCT 02 1987

AN ACT

D.C. ACT 7 - 58

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 21 1987

To amend the Rental Housing Act of 1985 to raise the grade level of members of the Rental Housing Commission, authorize tenant assistance for eligible families with emergency needs and for eligible families leasing their present housing accommodations, authorize multi-year contracts with housing providers for rental units designated for eligible families, provide that appropriations for the Tenant Assistance Program shall constitute a proprietary fund and remain available until expended without regard to fiscal year limitations, clarify provisions regarding housing code compliance, establish procedures for adjusting fair market rent levels, and provide penalties for discrimination against Tenant Assistance Program recipients; and to make a conforming amendment to the District of Columbia Fund Accounting Act of 1980.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tenant Assistance Program and Rental Housing Commission Amendment Act of 1987".

Sec. 2. Title II of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Code, sec. 45-2511 et seq.), is amended as follows:

(a) Section 201(c) (D.C. Code, sec. 45-2511(c)) is amended by striking the phrase "grade 14" and inserting in its place the phrase "grade 15".

(b) Section 202(d) (D.C. Code, sec. 45-2512(d)) is amended to read as follows:

"(d) The Department of Consumer and Regulatory Affairs shall employ the staff necessary to assist the Rental Housing Commission in carrying out its functions. Of the staff employed, 3 shall be law clerks who shall assist each member of the Rental Housing Commission in the preparation of decisions and orders."

D.C. Code, sec.
45-2511 (1988
supp.)

D.C. Code, sec.
45-2512 (1988
supp.)

Sec. 3. Title III of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Code, sec. 45-2531 et seq.), is amended as follows:

(a) Section 301(3) (D.C. Code, sec. 45-2531(3)) is amended by inserting the word "substantial" before the word "compliance".

D.C. Code, sec.
45-2531 (1988
supp.)

(b) Section 301(12) (D.C. Code, sec. 45-2531(12)) is amended to read as follows:

D.C. Code, sec.
45-2531 (1988
supp.)

"(12) "Tenant assistance contract" means a written contract between the Department and a housing provider, in the form prescribed by the Mayor, in which the Department agrees to make tenant assistance payments to the housing provider (A) on behalf of a specific eligible family; or (B) for specific units to be held for and leased to families eligible for tenant assistance for the duration of the contract."

(c) Section 302(b) (D.C. Code, sec. 45-2532) is amended by adding new sentences at the end to read as follows:

D.C. Code, sec.
45-2532 (1988
supp.)

"Appropriations for the Tenant Assistance Program shall be classified and maintained as a proprietary fund and shall remain available until expended, without regard to fiscal year limitations. No money appropriated for the Tenant Assistance Program shall be expended for any purpose other than making tenant assistance payments and, when necessary, repayable advances for security deposits in accordance with this title."

(d) Section 302(c) (D.C. Code, sec. 45-2532(c)) is amended by adding the word "available" before the word "appropriations" wherever it appears.

D.C. Code, sec.
45-2532 (1988
supp.)

(e) Section 302(d) (D.C. Code, sec. 45-2532(d)) is amended to read as follows:

D.C. Code, sec.
45-2532 (1988
supp.)

"(d) The Mayor is authorized to expend the annual appropriations provided by this section in the following manner:

"(1)(A) The Mayor may enter into long-term tenant assistance contracts with housing providers. Payments obligated by long-term contracts may be made on an annual basis during the period of each contract from the annual appropriations for the Tenant Assistance Program. Each contract entered into pursuant to this paragraph shall obligate the housing provider, on an annual basis, for the duration of the contract to offer for lease and to lease a fixed number of rental units, which shall be specified in the contract, to families receiving tenant assistance, regardless of whether the same family leases the same unit throughout the contract period. Each contract shall obligate the Mayor to make tenant assistance payments to the housing provider for the duration of the contract in accordance with the terms of the contract and the

requirements of this title as long as the housing is in substantial compliance with the housing regulations. The contractual obligation of the Mayor shall be backed by the full faith and credit of the District to the same extent that applies to District contracts generally.

"(B) In the case of contracts for rental units in existing housing accommodations, the length of the contract may be from 1 to 5 years. In the case of contracts for rental units in newly constructed or rehabilitated housing accommodations, the length of the contract may be from 1 to 15 years, with options to renew in 5-year increments.

"(C) Consistent with the requirements of section 804(d), distressed properties and new or rehabilitated vacant rental housing receiving assistance pursuant to title VIII shall have priority over other properties for the long-term contracts authorized by this paragraph.

"(2) The Mayor may expend funds from the annual appropriation to assist eligible families with emergency housing needs due to family separation by court order because of inadequate housing, sudden unavoidable displacement from a dwelling unit, special health or disability problems requiring immediate improvement in housing, or other emergency reasons approved by the Department.

"(3) The Mayor may expend funds from the annual appropriation to assist eligible families with a current valid lease of a rental unit that qualifies according to the provisions of this act. The Department shall announce the availability of the assistance authorized by this paragraph through notice to the District of Columbia Office on Aging, other relevant District agencies, and private organizations representing senior citizens or tenants in general.

"(4) The Mayor shall not, by rule or otherwise, allocate any fixed portion of the annual appropriation for any specific category of eligible families or any specific type of tenant assistance contract authorized by this title."

(f) Section 303(a) (D.C. Code, sec. 45-2533(a)) is amended by adding a new sentence at the end to read as follows:

"The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1181.1 et seq.), shall not apply to the contracts authorized by this title."

(g) Section 303(b) (D.C. Code, sec. 45-2533(b)) is amended to read as follows:

"(b) Except as otherwise provided in this subsection, the fair market rents applicable to the Tenant Assistance

D.C. Code, sec.
45-2533 (1988
supp.)

D.C. Code, sec.
45-2533 (1988
supp.)

Program shall be the fair market rents established annually by the U.S. Department of Housing and Urban Development ("HUD") for new construction and substantial rehabilitation in the Washington, D.C., market. The Department, by rule, may establish the fair market rents for units in sizes for which there is no fair market rent established by HUD. If the Department, after reviewing the fair market rents established by HUD for the Washington, D.C., market, determines that the amounts do not accurately reflect fair market rents in the District, the Department may, by rule, adjust the amounts. If the proposed fair market rents vary from the fair market rents established by HUD, the Department shall submit a resolution for approval of the proposed fair market rents to the Council of the District of Columbia ("Council") for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed resolution, in whole or in part, within this 45-day review period, the proposed resolution shall be deemed approved.

(h) Section 303(c) (D.C. Code, sec. 45-2533(c)) is amended by amending the 3rd sentence to read as follows: D.C. Code, sec. 45-2533 (1988 supp.)

"Priority shall be given to the elderly, the handicapped, single-parent households, and applicants who have completed any employment training course provided by any District agency."

(i) Section 303(g)(1) (D.C. Code, sec. 45-2533(g)(1)) is amended: D.C. Code, sec. 45-2533 (1988 supp.)

(1) In the 1st sentence, by striking the numeral "60" and inserting in its place the numeral "90"; and

(2) In the 3rd sentence, by striking the phrase "extensions not to exceed a total of 60 days." and inserting in its place the phrase "60-day extensions to any family that continuously demonstrates good faith efforts to locate a suitable rental unit."

(j) Section 304(f) (D.C. Code, sec. 45-2534(f)) is repealed. D.C. Code, sec. 45-2534 (1988 supp.)

(k) Section 305(b)(1) (D.C. Code, sec. 45-2535(b)(1)) is amended to read as follows: D.C. Code, sec. 45-2535 (1988 supp.)

"(1) Housing units receiving rent assistance under any federal housing program, or public housing that is managed by the District government.

Sec. 4. Section 505 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Code, sec. 45-2555) is amended as follows: D.C. Code, sec. 45-2555 (1988 supp.)

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

"(a) It is unlawful for a housing provider to discriminate against families receiving or eligible to receive Tenant Assistance Program assistance, elderly

tenants, or families with children when renting housing accommodations."

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

"(c) Allegations of violations of this section that are made by families receiving or eligible to receive Tenant Assistance Program assistance, by elderly tenants, or by families with children shall be promptly investigated and handled by the Department of Consumer and Regulatory Affairs, which shall provide the complaining party with a written report upon the conclusion of the investigation."

Sec. 5. Section 901(e) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Code, sec. 45-2591(e)), is amended in the 1st sentence by adding after the words "discriminate against" the words "a family receiving or eligible to receive Tenant Assistance Program assistance," and by inserting a comma after the words "elderly tenant".

D.C. Code,
sec. 45-2591
(1988 supp.)

Sec. 6. Section 4(a)(2) of the District of Columbia Fund Accounting Act of 1980, effective June 14, 1980 (D.C. Law 3-70; D.C. Code, sec. 47-373(1)(B)), is amended by:

D.C. Code,
sec. 47-373
(1988 supp.)

(a) Striking the period at the end of subparagraph (E) and inserting the phrase "; and" in its place; and

(b) Adding a new subparagraph (G) (D.C. Code, sec. 47-373(1)(B)(vii)) to read as follows:

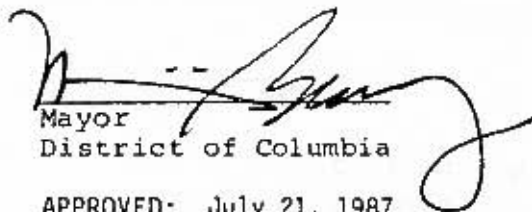
"(G) Tenant Assistance Program."

Sec. 7. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act,

approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).



Chairman, by the Chairman Pro Tempore
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: July 21, 1987



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Seven

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO B7-226

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-30-87

VOICE VOTE: By Majority, Member Crawford voted present

Recorded vote on request

Absent: Thomas

ROLL CALL VOTE — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS SR				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell A. Smith
Secretary to the Council

15 July 1987
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 7-14-87

VOICE VOTE: By Majority, Member Crawford voted present

Recorded vote on request

Absent: Kane and Clarke

ROLL CALL VOTE — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date