

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To prevent the District from closing occupied rental properties and displacing tenants due to the owner's failure to maintain the premises in compliance with the D.C. housing and building codes, except in case of emergency when the conditions cannot be rectified.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tenant Protection Act of 2009".

Sec. 2.

(a) Notwithstanding any other D.C law or regulation, until the expiration of this Act, the Mayor, the Board for the Condemnation of Insanitary Buildings, any agency Director, or their agents or designees, may only close, placard, condemn, or otherwise order occupants removed from an occupied housing accommodation due to the existence of housing or building code violations, including a lack of heat, if the Mayor makes an affirmative written finding, documented by experts, that the violations threaten the life, health or safety of the occupants and that it is impossible or impracticable to correct the violations using the Mayor's power to cause the summary correction of violations in D.C. Code § 42-3131.01(c).

(1) If it is not impossible or impracticable to correct the violations using the Mayor's authority under D.C. Code § 42-3131.01(c), the Mayor shall make necessary repairs to render the housing accommodation habitable.

(2) To ensure that available funds are utilized to prevent an unnecessary closure of an occupied housing accommodation, the fund in D.C. Code § 42-3131.01(b) shall be prioritized to prevent, to the extent possible, the placarding, condemnation or closure of occupied housing accommodations.

1 (3) For purposes of this subsection, the Mayor's authority under D.C. Code § 42-  
2 3131.01 shall include the ability to correct violations of the housing and building regulations.

3 (b) Notwithstanding (a), the Mayor, the Board for the Condemnation of Insanitary  
4 Buildings, any agency Director, or their agents or designees, may exercise any authority they  
5 have under existing D.C. laws or regulations to close, placard, condemn, or otherwise order  
6 occupants removed from an occupied housing accommodation due to the existence of housing or  
7 building code violations if there is an imminent and immediate danger to the life, health, or  
8 safety of the occupants.

9 (1) If an occupied housing accommodation is closed pursuant to this  
10 subparagraph, the entity or entities responsible for closing the housing accommodation shall  
11 generate, within five (5) business days of the closure, an affirmative written finding, documented  
12 by experts, as to whether or not it is possible to correct the violations using the Mayor's power to  
13 cause the summary correction of violations in D.C. Code § 42-3131.01(c).

14 (2) If the written finding in (1) indicates it is possible to correct the violations,  
15 the conditions shall be abated and the tenants or occupants restored to occupancy of the building  
16 within thirty (30) days of the finding.

17 (c) If an occupied housing accommodation is closed, placarded, condemned or the  
18 occupants are otherwise ordered removed from an occupied housing accommodation due to the  
19 existence of housing or building code violations, the owner shall locate and provide sufficient  
20 funds for alternate safe and sanitary temporary housing in the same or substantially similar area  
21 for the displaced tenants or occupants. If the owner fails to do so, the Mayor shall order that the  
22 tenants or occupants be suitably housed and the cost of such housing shall be assessed by the  
23 Mayor as a tax against the premises on which such building or part of building is situated.

24 (d) Definitions. For purposes of this act, the term:

1           (1)     “Housing Accommodation” has the same meaning as in Section 103 of the Rental  
2 Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-  
3 3501.03(14)).

4           (2)     “Occupied” shall mean any housing accommodation in which a tenant, subtenant,  
5 lessee, sublessee, or other person is entitled to possession, occupancy, or the benefits of any  
6 rental unit owned by another person. A housing accommodation shall be considered ‘occupied,’  
7 even if the tenant, subtenant, lessee, sublessee, or other person has temporarily ceased residing in  
8 the premises due to the conditions of the housing accommodation.

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

12           Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto  
13 by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer  
14 than 90 days, as provided for emergency acts of the Council of the District of Columbia in  
15 section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87  
16 Stat. 788; D.C. Official Code § 1-204.12(a)).