

AN ACT
D.C. ACT 19-343

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
APRIL 9, 2012

Codification
District of
Columbia
Official Code

2001 Edition

2012 Summer
Supp.

West Group
Publisher

To amend the Rental Housing Act of 1985 to clarify that the Office of Administrative Hearings may adjudicate complaints for the non-return of tenant security deposits as well as the nonpayment of interest on tenant security deposits; and to amend the Housing Regulations of the District of Columbia to clarify that any housing provider who in bad faith fails to return a security deposit rightfully owed to a tenant, or fails to pay the interest on the security deposit, is liable to the tenant for treble damages.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tenant Security Deposits Clarification Amendment Act of 2012".

Sec. 2. Section 217(b) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.17(b)), is amended by striking the phrase "complaints for the nonpayment of interest on" and inserting the phrase "complaints for the non-return of" in its place.

Amend
§ 42-3502.17

Sec. 3. Section 2908 of the Housing Regulations of the District of Columbia, issued August 11, 1955 (C.O. 55-1503; 14 DCMR §§ 308 through 311), is amended as follows:

DCMR

(a) Section 2908.2 (14 DCMR § 309) is amended by adding a new sub-paragraph (d) to read as follows:

"(d)(1) Any housing provider violating the provisions of this section by failing to return a security deposit rightfully owed to a tenant in accordance with the requirements of this section shall be liable for the amount of the deposit withheld or, in the event of bad faith, for treble damages.

"(2) For the purposes of this sub-paragraph, the term "bad faith" means any frivolous or unfounded refusal to return a security deposit, as required by law, that is motivated by a fraudulent, deceptive, misleading, dishonest, or unreasonably self-serving purpose and not by simple negligence, bad judgment, or an honest belief in the course of action taken."

(b) Section 2908.4(a) (14 DCMR § 311.1 and 311.2) is amended as follows:

(1) Strike the phrase "The interest in the escrow account described in Section 2908.1(b)" and insert the phrase "The interest in the escrow account described in section 2908.1(b) (14 DCMR § 308.3)" in its place.

(2) Strike the phrase “Any housing provider violating the provisions of this section by failing to pay interest on a security deposit escrow account that is rightfully owed to a tenant in accordance with the requirements of this section, shall be liable to the Rent Administrator or Rental Housing Commission” and insert the phrase “Any housing provider violating the provisions of this section by failing to pay interest on a security deposit escrow account that is rightfully owed to a tenant in accordance with the requirements of this section, shall be liable to the tenant” in its place.

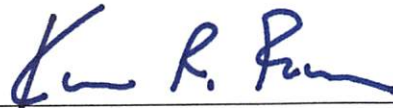
(3) Strike the phrase “the term ‘bad faith’ means any frivolous or unfounded refusal to return a security deposit” and insert the phrase “the term ‘bad faith’ means any frivolous or unfounded refusal to pay interest on a security deposit” in its place.

Sec. 4. Fiscal impact statement.

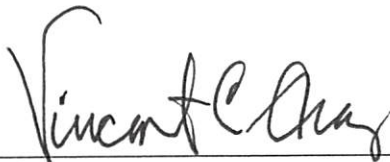
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 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 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
APPROVED
April 9, 2012



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

Docket No. **B19-190**

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 02-07-12

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

BARRY

ROLL CALL VOTE – Result _____ (_____)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown	X				Catania	X				Orange	X			
Alexander	X				Cheh	X				Wells	X			
Barry				X	Evans	X								
Bowser	X				Graham	X								
Brown, M	X				Mendelson	X								

X – Indicate Vote

AB – Absent

NV – Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

3-26-12

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 03-06-12

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ALL PRESENT

ROLL CALL VOTE – Result _____ (_____)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown	X				Catania	X				Orange	X			
Alexander	X				Cheh	X				Wells	X			
Barry	X				Evans	X								
Bowser	X				Graham	X								
Brown, M	X				Mendelson	X								

X – Indicate Vote

AB – Absent

NV – Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

3-26-12

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE – Result _____ (_____)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown					Catania					Orange				
Alexander					Cheh					Wells				
Barry					Evans									
Bowser					Graham									
Brown, M					Mendelson									

X – Indicate Vote

AB – Absent

NV – Present, Not Voting

CERTIFICATION RECORD



Secretary to the Council

Date