



Councilmember Elissa Silverman



Councilmember Brianne K. Nadeau

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Subtitle G of title II of the Fiscal Year 2006 Budget Support Act of 2005, the “Office of the Chief Tenant Advocate Establishment Act of 2005,” to establish collection authority to recoup the cost of emergency housing assistance provided to tenants who have been displaced from their homes due to circumstances beyond the tenants’ control, where the housing provider has failed to satisfy his or her obligations with respect to the maintenance of the rental accommodation, and to impose a lien to collect unpaid amounts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Relocation Expenses Recoupment and Lien Authority Amendment Act of 2016”.

Sec. 2. Subtitle G of title II of the Fiscal Year 2006 Budget Support Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-3531.01 *et seq.*), is amended as follows:

(a) Section 2068b is amended by striking the phrase “On or before December 1, 2007, the” and inserting the word “The” in its place.

(b) By adding sections 2068c through 2068h to read as follows:

“Sec. 2068c. Reimbursement of emergency housing and relocation expenses.

“(a) If the Office of Tenant Advocate has provided emergency housing or relocation assistance, as authorized by section 2067(6A) of the Office of the Chief Tenant Advocate Establishment Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-3531.07(6A)), the owner shall reimburse the District for such assistance [subject to the

33 provisions of subsection (b) of this section] and all reasonable administrative and incidental
34 expenses incurred by the District while providing such assistance, if:

35 “(1) The displacement results from the enforcement of any law, regulation, or
36 government order pertaining to the maintenance and operation of the property or the health,
37 safety, and welfare of its occupants; and

38 “(2) The conditions giving rise to the need for relocation arose as a result of the
39 negligent or intentional act of the owner or the owner’s failure to maintain the dwelling in
40 accordance with any law, regulation, or government issued order pertaining to the maintenance
41 or operation of the building.

42 “(b) The District may seek reimbursement from an owner for emergency housing and
43 relocation expenses as follows:

44 “(1) Short-term relocation of tenants to hotels, motels, or other appropriate
45 accommodations for a period of up to 14 days;

46 “(2) Actual moving costs;

47 “(3) Storage of personal property for a period of up to 60 days;

48 “(4) Rental application fees, security deposits, and utility deposits; and

49 “(5) The first month’s rent.

50 “Sec. 2068d. Assessment of expenses for emergency housing and relocation assistance.

51 “(a) The Chief Tenant Advocate shall provide a bill to the owner for the cost of providing
52 emergency assistance or relocation assistance. The bill may be provided by personal service or
53 by sending it, via first-class mail, to the address of record for the owner on file with the Office of
54 Tax Revenue, and shall contain information about how the owner may pay the bill or contest the

55 bill. The Chief Tenant Advocate may, by regulation, establish alternative methods of providing
56 the bill.

57 “(b) Within 30 calendar days after the bill has been provided to the owner, the owner
58 shall:

59 “(1) Pay the full amount of the bill; or

60 “(2) Deny that the owner is liable for the amount of the bill and request a hearing
61 to determine liability.

62 “(c) For the purpose of this section, a mailed bill is presumed to have been provided to
63 the owner 7 calendar days after the date of mailing.

64 “(d) If an owner fails to pay the full amount of the bill or to request a hearing within 30
65 days after the date on which the bill was provided to the owner, the owner shall be liable for the
66 full amount of the bill.

67 “Sec. 2068e. Hearing.

68 “(a) A hearing to determine liability for a bill shall be held before an administrative law
69 judge at the Office of Administrative Hearings and shall be conducted in accordance with section
70 10 of the District of Columbia Administrative Procedure Act, approved October 8, 1975 (D.C.
71 Official Code §2-509; 82 Stat. 1208).

72 “(b) The administrative law judge shall decide whether the owner’s liability for the
73 amount of the bill, in whole or in part, has been established by a preponderance of the evidence.

74 “(c) If an owner who requests a hearing fails to appear at a hearing, the administrative
75 law judge may proceed with the hearing and issue a final decision in the case. If the owner is
76 found liable for any portion of the bill, the administrative law judge may also impose a penalty
77 equal to up to twice the amount of the liability.

78 “(d) If an administrative law judge issues an order holding the owner liable for any
79 amount, or imposing a penalty, the owner shall pay that amount with 30 days after the issuance
80 of that order.”.

81 “Sec. 2068f. Collection.

82 “The Attorney General may bring any appropriate legal action (or defend in any action)
83 to collect the amount owed by the owner under this act.”.

84 “Sec. 2068g. Liens.

85 “(a) The amount for which an owner is liable, and any other charges, costs, penalties, and
86 interest, shall be a continuing and perpetual lien in favor of the District upon all real and personal
87 property belonging to a person named in the notice and shall have the same force and effect as a
88 lien created by judgment. Interest shall accrue as provided in subsection (h) of this section.

89 “(b) The lien shall attach to all property belonging to the owner during the period of the
90 lien, including any property acquired by the owner after the lien arises.

91 “(c) The lien shall have priority over any other lien, except a lien for District taxes and
92 District water charges; provided, that the lien shall not be valid as against any bona fide
93 purchaser, or holder of a security interest, mechanic's lien or other such creditor interested in the
94 property, without notice, until notice by filing the lien in the Recorder of Deeds. The lien shall be
95 satisfied by payment of the amount of the lien to the agency that issued the notice.

96 “(d) For reasonable cause shown, the Chief Tenant Advocate may abate the amount owed
97 by the owner pursuant to this act.

98 “(e) As additional means for collection, the Mayor may enforce payment of the fines,
99 other charges, expenses, costs, penalties, or interest imposed against the real property of the
100 named person as follows:

101 “(1) The Chief Tenant Advocate shall record, with the Recorder of Deeds, and in
102 accordance with § 47-1340, a real property tax lien captioned "Notice of Converted Real
103 Property Tax Lien". The real property tax lien shall be deemed a delinquent real property tax
104 from the date of the conversion, shall accrue interest at the rate of interest charged for delinquent
105 real property tax, and shall be perpetual. Subject to § 47-1340(f), payment thereof shall be
106 credited to the Emergency Housing and Relocation Assistance Fund established by section
107 2068h of this act. The real property may be sold at tax sale, regardless of the date of the
108 conversion, in the same manner, under the same conditions, and subject to the same impositions
109 of interest, costs, expenses, fees, and other charges, as real property sold for delinquent real
110 property tax;

111 “(2) The aggregate amount of the fines, charges, expenses, costs, penalties, and
112 interest secured by the lien imposed under paragraph (1) of this subsection may appear on a real
113 property tax bill, and the aggregate amount shall be:

114 “(i) Deemed an additional real property tax to be collected in the same
115 manner and under the same conditions as real property tax is collected, including the sale of the
116 real property for delinquent tax;

117 “(ii) Credited to the Emergency Housing and Relocation Assistance Fund
118 established by section 2068h of this act; and

119 “(iii) Subject to the same penalty and interest provisions as delinquent
120 real property tax is subject as of the date of the real property tax bill;

121 “(3) The lien under paragraph (1) of this subsection, with penalty and interest as
122 provided under this section, shall be converted to real property tax as of the due date for payment
123 of the real property tax bill if payment has not been made;

124 “(4) If the lien has been converted to a real property tax lien under § 47-1340 or
125 if the accrued amount of the lien appears on the real property tax bill, the real property tax lien
126 shall be enforced under Chapter 13A of Title 47.

127 “(f) The rate of interest authorized by this section shall be 1 1/2% per month, and shall
128 be prorated if interest is owed for a portion of a month.”.

129 “Section 2068h. Emergency Housing and Relocation Assistance Fund.

130 “(a) There is established as a special fund the Emergency Housing and Relocation
131 Assistance Fund (“Fund”), which shall be administered by the Office of the Tenant Advocate in
132 accordance with subsections (c) and (d) of this section.

133 “(b) Revenue from the following sources shall be deposited in the Fund:

134 Fines, penalties, interest, charges and costs collected pursuant to sections 2068c
135 through 2078g of this Act shall be deposited.

136 “(c) Money in the Fund shall be used for the following purposes:

137 (1) To offset some of the cost of providing emergency housing

138 (2) To offset some of the cost of providing relocation assistance

139 “(d) The money deposited into the Fund, and interest earned, shall not revert to the
140 unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal
141 year, or at any other time.”

142 Sec. 3. Section 6 of the Office of Administrative Hearings Establishment Act of 2001,
143 effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by
144 adding a new subsection (b-9) to read as follows:

145 “(b-9) In addition to those cases described in subsections (a), (b), (b-1), (b-2), (b-3), (b-
146 4), (b-5), (b-6), (b-7), and (b-8), this chapter shall apply to all adjudicated cases involving the

147 reimbursement of emergency housing and relocation assistance as authorized by section 2068c
148 through 2068h of the Fiscal Year 2006 Budget Support Act of 2005, effective October 20, 2005
149 (D.C. Law 16-33; D.C. Official Code § 42-3531.01 *et seq.*).”.

150 Sec. 4. Fiscal impact statement.

151 The Council adopts the fiscal impact statement in the committee report as the fiscal
152 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
153 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

154 Sec. 5. Effective date.

155 This act shall take effect following approval by the Mayor (or in the event of veto by the
156 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
157 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
158 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
159 Columbia Register.