

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Office of the Chief Tenant Advocate Establishment Act of 2005 to establish the authority for the District to seek reimbursement from an owner of a residential building to offset the cost of providing emergency housing assistance and relocation assistance to tenants who have been displaced from the residential building due to circumstances beyond the tenants' control, to provide an administrative process for an owner to contest the District's charge for reimbursement, to provide for the imposition of a lien to collect charges found due and owing, and to establish the Emergency Housing and Relocation Assistance Fund; to amend the Office of Administrative Hearings Establishment Act of 2001 to make a conforming amendment; and to amend the Business Improvement Districts Act of 1996 to include in the order of priority that proceeds from property sold due to delinquent taxes shall be applied to a lien in place pursuant to the Office of the Chief Tenant Advocate Establishment Act of 2005.

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. The Office of the Chief Tenant Advocate Establishment Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-3531.01 *et seq.*), is amended as follows:

(a) Section 2064 (D.C. Official Code § 42-3531.04) is amended as follows:

(1) A new paragraph (1A) is added to read as follows:

"(1A) "Closure order" means any order by a District agency requiring relocation of tenants."

(2) A new paragraph (2A) is added to read as follows:

"(2A) "Owner" shall have the same meaning as provided in D.C. Official Code § 47-802(5)."

(b) Section 2068b (D.C. Official Code § 42-3531.10) is amended by striking the phrase "On or before December 1, 2007, the" and inserting the word "The" in its place.

(c) New sections 2068c through 2068h are added to read as follows:

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

“(a) If the Office has provided emergency housing or relocation assistance, as authorized by section 2067(6A), the owner shall reimburse the District for the assistance, as described in subsection (b) of this section, and all reasonable administrative and incidental expenses incurred by the District in providing the assistance, if:

“(1) A closure order requires the housing unit occupied by the tenant to be vacated and closed; and

“(2) The conditions that created the emergency:

“(A) Arose from circumstances within the control of the owner, including conditions arising from the failure to perform maintenance on the premises, affirmative acts of the owner, or termination of water service or utility services provided by the owner;

“(B) Did not arise from an act of God;

“(C) Arose from the actions of a person within the control of the owner;

and

“(D) Were not caused solely by actions of the tenant.

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

“(1) The short-term relocation of tenants to hotels, motels, or other appropriate accommodations for a period of up to 30 days;

“(2) Actual moving costs;

“(3) The storage of personal property for a period of up to 60 days;

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

“(5) The first month’s rent.

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

“(a)(1) The Chief shall submit a bill to the owner for the cost of providing emergency assistance or relocation assistance, including information on how the owner can pay the bill and, if the owner disputes the charge, how to contest the bill.

“(2) The Chief may submit the bill to the owner by personal service or by sending it via first-class U.S. mail to the person who last appears as the owner of the real property on the tax roll on file with the Office of Tax and Revenue, to the last mailing address shown on the tax roll in accordance with section 499d of the Property Conveyancing Revisions Act of 1994, effective October 23, 1997 (D.C. Law 12-34; D.C. Official Code § 42-405). The Chief may, by regulation, establish alternative methods of providing the bill to the owner.

“(b) Within 30 calendar days after receipt of the bill, the owner shall:

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

“(2) Contest the bill and request a hearing to determine liability.

“(c) If an owner fails to pay the full amount of the bill or to request a hearing within 30 days after receipt of the bill, the owner shall be liable for the full amount of the bill.

“(d) For the purpose of this section, a mailed bill is presumed to have been received by the owner 7 calendar days after the date of mailing.

“Sec. 2068e. Hearing.

“(a) A hearing to determine liability for a bill shall be held before an administrative law judge within the Office of Administrative Hearings and shall be conducted in accordance with section 10 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1208; D.C. Official Code § 2-509).

“(b) If an owner who requests a hearing fails to appear at a hearing, the administrative law judge may proceed with the hearing and issue a final decision in the case.

“(c)(1) The administrative law judge shall decide whether the owner’s liability for the amount of the bill, in whole or in part, has been established by a preponderance of the evidence.

“(2) If an owner is found liable for any portion of the bill, the administrative law judge may impose an additional penalty of up to twice the amount of the liability for the bill.

“(d) If an administrative law judge issues an order finding an owner liable, the owner shall pay the amount due within 30 days after the issuance of the order.

“Sec. 2068f. Collection.

“The Attorney General for the District of Columbia may bring any appropriate legal action, or defend any action, to collect the amount owed by an owner pursuant to this act.

“Sec. 2068g. Liens.

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

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

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

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

“(e)(1) As additional means for collection, the Chief may enforce payment of the fines, expenses, costs, penalties, interest, or other charges imposed against the real property in the same manner and under the same conditions that real property tax liens are enforced pursuant to Chapter 13A of Title 47 of the D.C. Official Code.

“(2) Proceeds collected from a sale pursuant to Chapter 13A of Title 47 of the D.C. Official Code shall be credited to the Emergency Housing and Relocation Assistance Fund established by section 2068h.

“(f) Interest on an amount due pursuant to this section shall be at the rate of 1 1/2% per month, and shall be prorated if interest is owed for a portion of a month.

“Sec. 2068h. Emergency Housing and Relocation Assistance Fund.

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

“(b) Revenue from interest, costs, expenses, fees, fines, penalties, and other charges collected pursuant to sections 2068c through 2068g shall be deposited in the Fund.

“(c) Money in the Fund shall be used to offset some of the costs of providing emergency housing and relocation assistance.

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

Sec. 3. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by adding a new subsection (b-11) to read as follows:

“(b-11) In addition to those cases described in subsections (a), (b), (b-1), (b-2), (b-3), (b-4), (b-5), (b-6), (b-7), (b-8), (b-9), and (b-10), this act shall apply to all adjudicated cases involving the reimbursement of emergency housing and relocation assistance as authorized by sections 2068c through 2068h of the Office of the Chief Tenant Advocate Establishment Act of 2005, passed on 2nd reading on November 15, 2016 (Enrolled version of Bill 21-656).”.

Sec. 4. Section 16(g) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.15(g)), is amended by striking the phrase “any delinquent water and sewer charges; and any delinquent litter control nuisance fines,” and inserting the phrase “any delinquent water and sewer charges; any lien for tenant relocation expenses under section 2068g of the Office of the Chief Tenant Advocate Establishment Act of 2005, passed on 2nd reading on November 15, 2016 (Enrolled version of Bill 21-656); and any delinquent litter control nuisance fines,” in its place.

Sec. 5. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 6. Fiscal impact statement.

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

Sec. 7. 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