

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, the Rental Housing Act of 1985 to prohibit the execution of residential evictions during precipitation, to establish the eviction procedure and requirements that a housing provider shall meet before, during, and immediately after a residential eviction, and to establish standards for the handling of an evicted tenant's personal property; and to clarify, in an eviction not subject to the Rental Housing Act of 1985, the legal status of an evicted tenant's remaining personal property and a landlord's civil liability for such property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Eviction Procedure Reform Congressional Review Emergency Amendment Act of 2018".

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(a) Section 501(k) (D.C. Official Code § 42-3505.01(k)) is amended as follows:

(1) Strike the phrase "tenant on any day when the National Weather Service predicts at 8:00 a.m. that the temperature at the National Airport weather station will fall below 32 degrees fahrenheit or 0 degrees centigrade within the next 24 hours." and insert the phrase "tenant:" in its place.

(2) New paragraphs (1) and (2) are added to read as follows:

"(1) On any day when the National Weather Service predicts at 8:00 a.m. that the temperature at the National Airport weather station will fall below 32 degrees Fahrenheit or 0 degrees centigrade; or

"(2) When precipitation is falling at the location of the rental unit."

(b) A new section 501a is added to read as follows:

"Sec. 501a. Storage and disposal of tenants' personal property upon eviction.

"(a) A housing provider shall not remove an evicted tenant's personal property from a rental unit except as provided in this section.

"(b)(1) In addition to any notification from the United States Marshals Service ("Marshals") to the tenant of the date of eviction, a housing provider shall deliver to the tenant a

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notice confirming the date of eviction not fewer than 14 days before the date of eviction by using the following methods:

“(A) Telephone or electronic communication, including by email or mobile text message;

“(B) First-class mail to the address of the rental unit; and

“(C) Conspicuous posting at the tenant’s rental unit in a manner reasonably calculated to provide notice.

“(2) The notice shall:

“(A) State the tenant’s name and the address of the rental unit;

“(B) Specify the date on which the eviction is scheduled to be executed;

“(C) State that the eviction will be executed on that date unless the tenant vacates the rental unit and returns control of the rental unit to the housing provider;

“(D) Prominently warn the tenant that any personal property left in the rental unit will be deemed abandoned 7 days after the time of eviction, excluding Sundays and federal holidays;

“(E) Include the phone numbers of the U.S. Marshals Service, Office of the Chief Tenant Advocate, and the District of Columbia Landlord Tenant Court; and

“(F) State that it is the final notice from the housing provider before the time of eviction, even if the eviction date is postponed by the court or Marshals.

“(c)(1) At the time of eviction, the housing provider shall change the locks on the rental unit in the presence of the Marshals, at the housing provider’s expense, and take legal possession of the rental unit by receipt of a document from the Marshals.

“(2) Any right of the evicted tenant to redeem the tenancy shall be extinguished at the time of eviction.

“(d)(1) At the time of eviction, the housing provider shall send by first-class mail to the address of an emergency contact, if provided, and conspicuously post in a manner reasonably calculated to provide notice to the evicted tenant a notice containing the following information:

“(A) The name and phone number of at least one housing provider representative whom the tenant may contact and who can grant access to the rental unit on the housing provider’s behalf pursuant to this subsection;

“(B) The phone number of the Office of the Chief Tenant Advocate;

“(C) The phone number of the United States Marshals Service;

“(D) The phone number of the District of Columbia Landlord Tenant Court; and

“(E) The text of this subsection attached to, or made a part of, the notice.

“(2) Any personal property of the evicted tenant present in the rental unit at the time of eviction shall remain in the rental unit for 7 days after the time of eviction, excluding Sundays and federal holidays, unless removed by the evicted tenant pursuant to this subsection.

“(3) The housing provider shall maintain and exercise reasonable care in the storage of the personal property of the evicted tenant during the period that the property remains in the rental unit pursuant to this subsection.

“(4)(A) The housing provider shall grant the evicted tenant access to the rental unit to remove the evicted tenant’s personal property during the period that the property remains in the rental unit pursuant to this subsection. Access shall be for no fewer than 8 continuous hours at times agreed to by the parties, without requiring payment of rent or service fees.

“(B) If the housing provider fails to grant access to the evicted tenant to remove the evicted tenant’s personal property as provided in this paragraph, the evicted tenant shall have a right to injunctive relief, including requiring the housing provider to grant access to the evicted tenant at certain dates and times to retrieve the evicted tenant’s personal property and extending the period during which the housing provider must store the evicted tenant’s personal property.

“(5) Any of the evicted tenant’s personal property remaining in the rental unit upon expiration of the period that the property remains in the rental unit pursuant to this subsection shall be deemed abandoned property.

“(6) The housing provider shall remove, or dispose of, any abandoned property in the rental unit upon the expiration of the period that the property remains in the rental unit pursuant to this subsection without any further notice or any other obligation to the evicted tenant.

“(7)(A) The housing provider shall dispose of any abandoned property in any manner not prohibited by paragraph (8) of this subsection or otherwise expressly prohibited by law.

“(B) If the housing provider receives any funds from any sale of such abandoned property, the housing provider shall pay such funds to the account of the evicted tenant and apply any amounts due the housing provider by the evicted tenant, including the actual costs incurred by the housing provider in the eviction process described in this section.

“(C) If any funds are remaining after application, the remaining funds shall be treated as a security deposit under applicable law.

“(8) The housing provider is prohibited from placing or causing the placement of abandoned property in an outdoor space other than a lawful disposal receptacle; provided, that a housing provider may place abandoned property or cause abandoned property to be placed in an outdoor private or public space while in the process of transporting the property from the premises for disposal.

“(9) An evicted tenant is prohibited from disposing of or causing the disposal of personal property in an outdoor space other than a lawful disposal receptacle; provided, that an evicted tenant may place personal property or cause personal property to be placed in an outdoor private or public space while in the process of transporting the property from the premises.

“(e) The housing provider and anyone acting on behalf of the housing provider shall be immune from civil liability for loss or damage to the evicted tenant’s abandoned property or

claims related to its lawful disposal.

“(f) This section shall not apply to evictions carried out by the District of Columbia Housing Authority.

“(g) For the purposes of this section, the term “time of eviction” means the time at which the Marshals execute a writ of restitution.”.

Sec. 3. Other evictions.

(a) At the time of an eviction not subject to the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), the landlord shall change the locks on the leased premises in the presence of the United States Marshals Service (“Marshals”), at the landlord’s expense, and take legal possession of the leased premises by receipt of a document from the Marshals.

(b) Any right of the evicted tenant to redeem the tenancy shall be extinguished at the time of eviction.

(c) Any personal property remaining in or about the leased premises at the time of eviction is deemed abandoned property.

(d)(1) The landlord shall dispose of any abandoned property in any manner not prohibited by subsection (e) of this section or otherwise expressly prohibited by law.

(2) If the landlord receives any funds from any sale of such abandoned property, the landlord shall pay such funds to the account of the evicted tenant and apply any amounts due the landlord by the evicted tenant, including the actual costs incurred by the landlord in the eviction process described in this section.

(3) If any funds are remaining after application, the remaining funds shall be treated as a security deposit under applicable law.

(e) The landlord is prohibited from placing or causing the placement of abandoned property in an outdoor space other than a licensed disposal facility or lawful disposal receptacle; provided, that a landlord may place abandoned property or cause abandoned property to be placed in an outdoor private or public space while in the process of transporting the abandoned property from the leased premises for disposal.

(f) The landlord and anyone acting on behalf of the landlord shall be immune from civil liability for loss or damage to the evicted tenant’s abandoned property or claims related to its lawful disposal.

(g) For the purposes of this section, the term “time of eviction” means the time at which the Marshals execute a writ of restitution.

Sec. 4. Repealer.

The Eviction Reform Emergency Amendment Act of 2018, effective July 24, 2018 (D.C. Act 22-425; 65 DCR 7709), is repealed.

Sec. 5. Applicability.

This act shall apply as of October 7, 2018.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia