



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20004

CHRISTINA HENDERSON
Councilmember, At-Large
Chairperson, Committee on Health

Committee Member
Hospital and Health Equity
Judiciary and Public Safety
Transportation and the Environment

Statement of Introduction for the
Fairness in Renting Clarification Amendment Act of 2023
January 27, 2023

Today, I am introducing the Fairness in Renting Clarification Amendment Act of 2023, along with Chairman Phil Mendelson and Councilmembers Brianne K. Nadeau, Charles Allen, Zachary Parker, Trayon White, Sr., Anita Bonds, Brooke Pinto, Robert C. White, Jr., and Councilmember Janeese Lewis George.

This legislation would amend the Rental Housing Act of 1985 to clarify that landlords may not charge exorbitant fees associated with processing applications for rental housing, and raises the notice period for rent increases from 30 days to 60 days. It is important that tenants have predictability in the types and costs of fees when applying for rental housing and that they have advance notice of increases in rental rates that provides adequate time to secure new housing accommodations if necessary.

The Council recently acted to strengthen tenant protections by passing the Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022. This legislation was necessary and long overdue, but it did not anticipate all of the ways that landlords extract fees from prospective tenants. The law currently prohibits landlords from charging application fees over \$50, but is silent regarding charges associated with processing an application. This legislation removes landlords' ability to charge exorbitant and nebulous fees by defining "processing fee" and limits the ceiling for a processing to \$50, adjusted yearly for inflation.

The bill also prohibits landlords from charging new or departing tenants with fees associated with maintaining the implied warranty of habitability in a unit. Landlords are required to keep units in good repair, and the costs associated with meeting that obligation should not be passed off to tenants. However, this provision does retain the landlord's ability to withhold a security deposit for the replacement value of items a tenant may have damaged during their lease that go beyond the standard of "ordinary wear and tear."

Finally, this legislation would require landlords to provide tenants with 60 calendar days' notice of a change in a rental rate. If a tenant is unable to afford to remain in their home due to a rent increase, they need adequate time to locate a housing option that meets their needs. One month is not enough time to reorder one's life, and residents deserve adequate time to find a new housing option that enables them to remain District residents in a neighborhood and at a price point that meets their needs.

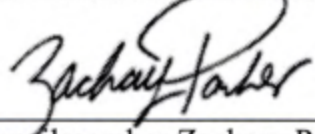
The District's rental market is competitive and costly. It is important to ensure that residents have clarity about the actual costs of housing by requiring fee transparency. Clear notice about the long-term costs of housing will enable residents to make housing choices that they can afford, and I look forward to working with my colleagues to implement these additional and necessary tenant protections.

1 
2 Chairman Phil Mendelson


Councilmember Christina Henderson

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5 Councilmember Brienne K. Nadeau



Councilmember Charles Allen

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8 Councilmember Zachary Parker


Councilmember Trayon White, Sr.

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11 Councilmember Anita Bonds


Councilmember Brooke Pinto

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14 Councilmember Robert C. White, Jr.


Councilmember Janeese Lewis George

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22 A BILL

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27 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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32 To amend the Rental Housing Act of 1985 to limit the amount of fees that a housing provider
33 may charge a prospective tenant associated with processing an application for rental
34 housing and to increase the notice period for rent increases from 30 days to 60 days.

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36 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
37 act may be cited as the "Fairness in Renting Clarification Amendment Act of 2023."

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

40 (a) Section 103 (D.C. Official Code § 42-3501.03) is amended by adding a new
41 paragraph (24A) to read as follows:

42 “(24A) “Processing fee” means any fee associated with processing or reviewing an
43 application for rental housing.

44 (b) Section 510 (D.C. Official Code § 42-3505.10) is amended as follows:

45 (1) Subsection (a)(9) is amended by striking the phrase “; and” and inserting the
46 phrase “and processing fee; and” in its place.

47 (2) Subsection (b) is amended to read as follows:

48 “(b)(1) A housing provider may require a prospective tenant to pay an application
49 fee or a processing fee.

50 “(2) An application fee may not be more than \$50; provided that
51 beginning on January 1, 2024, the application fee may be adjusted annually by the housing
52 provider, or his or her agent, commensurate with an increase in the Consumer Price Index for All
53 Urban Consumers published by the United States Bureau of Labor Statistics.

54 “(3) A processing fee may not be more than \$50; provided that beginning
55 on January 1, 2024, the application fee may be adjusted annually by the housing provider, or his
56 or her agent, commensurate with an increase in the Consumer Price Index for All Urban
57 Consumers published by the United States Bureau of Labor Statistics..”.

58 “(b-2) A housing provider shall not charge a fee to a prospective tenant before
59 move-in or to a tenant after move-out for services required of the housing provider to maintain a
60 unit in a condition consistent with the implied warranty of habitability; provided that nothing in
61 this subsection prohibits a housing provider from withholding a tenant’s security deposit to
62 replace damaged items if the tenant has caused damage to the unit beyond the standard of
63 ordinary wear and tear as defined in section 217 of the Rental Housing Act of 1985, effective
64 July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.17).”.

65 (3) Subsection (c) is amended by striking the phrase “paid by the prospective
66 tenant within a reasonable time, not to exceed 14 days.” and inserting the phrase “and processing
67 fee paid by the prospective tenant within a reasonable time, not to exceed 14 days.” in its place.

68 (c) Section 904(b) D.C. Official Code § 42-3509.04(b)) is amended by striking the phrase
69 “30 days” and inserting the phrase “60 calendar days” in its place.

70 Sec. 3. Fiscal impact statement.

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

74 Sec. 4. Effective date.

75 This act shall take effect following approval by the Mayor (or in the event of veto by the
76 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
77 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
78 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
79 Columbia Register.