

A RESOLUTION

25-257

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 19, 2023

To declare the existence of an emergency with respect to the need to amend the Rental Housing Act of 1985 to maintain a moratorium on voluntary agreements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Voluntary Agreement Moratorium Emergency Declaration Resolution of 2023”.

Sec. 2. (a) Section 215 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Code § 42-3502.15), allows housing providers to enter into an agreement with 70% or more of the tenants in a housing accommodation to establish the rent charged, to make changes to services and facilities, and to provide for capital improvements. These agreements are called voluntary agreements and must be filed with the Rent Administrator.

(b) In September 2020, the Committee on Housing and Neighborhood Revitalization held a hearing to contemplate Bill 23-878, the Voluntary Agreement Moratorium Amendment Act of 2020, effective March 16, 2021 (D.C. Law 23-246; D.C. Official Code § 42-3502.15a) (“Law 23-246”), which imposed a 2-year moratorium on voluntary agreements. According to the committee report, a majority of public witnesses at the hearing, including then-Director of the Department of Housing and Community Development, Polly Donaldson, and Chief Tenant Advocate, Johanna Shreve, testified in support of the moratorium. Many expressed the view that the legislation should go further and eliminate voluntary agreements altogether. A few testimonies stated the importance of voluntary agreements to small landlords, though most focused on the negative impact voluntary agreements have had on tenants’ rights and the affordable housing stock.

(c) Because Law 23-246 was subject to appropriations, the moratorium ultimately took effect at the beginning of Fiscal Year 2022, not on October 1, 2021.

(d) The current 2-year moratorium expires on October 1, 2023.

(e) This emergency measure is necessary to extend the moratorium for one year beginning on October 1, 2023, which, while maintaining the continuity of the current law, will give the Council time to deliberate a permanent legislative solution that will support tenants and minimize harm to both tenants and landlords.

ENROLLED ORIGINAL

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Voluntary Agreement Moratorium Emergency Amendment Act of 2023 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.