

A RESOLUTION

25-365

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2023

To declare the existence of an emergency, due to congressional review, with respect to the need to continue existing requirements for providers of commercial or residential rental property to abide by agreed upon rent payment plans with eligible tenants.

RESOLVED, BY THE COUNCIL DISTRICT OF COLUMBIA, That this resolution may be cited as the “Tenant Payment Plan Phasing Continuation Congressional Review Emergency Declaration Resolution of 2023”.

Sec. 2. (a) During the COVID-19 pandemic, the Council created protections and procedural changes to address the widespread ramifications of the public health emergency and its aftermath. The District removed the initial COVID-19 public health emergency in July 2021. The Coronavirus Support Temporary Amendment Act of 2021, effective June 24, 2021 (D.C. Law 24-9; 68 DCR 4824) (“Temporary Act”), which contained many of the longer-term protective measures, expired on February 4, 2022.

(b) For commercial and residential tenants, provisions in the Temporary Act provided that their rental provider were required to offer a rent payment plan for eligible tenants between March 11, 2020, and July 25, 2022. The payment plans had to have a minimum term length of one year, unless otherwise agreed upon by the tenant and provider, during which time providers could not report to credit reporting agencies as delinquent any payments made under an agreed upon plan. The Temporary Act also required providers to retain tenant payment plan applications for at least 3 years.

(c) The Council passed two rounds of emergency and temporary legislation to ensure continuity in the law for tenants whose payment plans are not yet complete and to uphold the requirement that providers retain payment plan application records for at least 3 years.

(d) On September 19, 2023, the Council adopted a third round of emergency legislation, the Tenant Payment Plan Phasing Continuation Emergency Act of 2023 (“Act 25-239”). Act 25-239 became law on October 11, 2023 and expires on January 9, 2024.

(e) On October 3, 2023, the Council adopted a corresponding third round of temporary legislation, the Tenant Payment Plan Phasing Continuation Emergency Act of 2023. The temporary measure was enacted without the Mayor’s signature on October 26, 2023 and was transmitted to Congress on November 6, 2023 (“temporary measure”).

ENROLLED ORIGINAL

(f) This temporary measure is not projected to become law until January 17, 2024. This identical emergency legislation is necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary measure.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Tenant Payment Plan Phasing Continuation Congressional Review Emergency Act of 2023 must be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.