

A RESOLUTION

25-366

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 amend the Rental Housing Act of 1985 to maintain a moratorium on voluntary agreements.

RESOLVED, BY THE COUNCIL DISTRICT OF COLUMBIA, That this resolution may be cited as the “Voluntary Agreement Moratorium Congressional Review 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 § 42-3502.21), 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 provide for capital improvements. These agreements are called voluntary agreements and must be filed with the Rent Administrator.

(b) In September 2020, the former Committee on Housing and Neighborhood Revitalization held a hearing to contemplate Bill 23-878, the Voluntary Agreement Moratorium Amendment Act of 2020, which would impose a 2-year moratorium on voluntary agreements. According to the Committee Report, a majority of public witnesses, the 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 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) In December 2020, the Council unanimously passed the 2-year moratorium. Because the measure was subject to appropriations, the moratorium ultimately took effect at the beginning of Fiscal Year 2022 on October 1, 2021.

(d) In July 2023, Councilmember Bonds introduced legislation that would eliminate voluntary agreements on a permanent basis. The Council has not yet held a hearing on this introduced legislation.

(e) The existing 2-year moratorium expired on October 1, 2023.

(f) On September 19, 2023, the Council enacted the Voluntary Agreement

Moratorium Emergency Amendment Act of 2023 (“emergency act”) to extend the moratorium for one year, which will give the Council time to deliberate a permanent legislative solution. The emergency act became law on October 11, 2023, and expires on January 9, 2024.

(g) On October 3, 2023, the Council adopted the Voluntary Agreement Moratorium Temporary Amendment Act of 2023 (“temporary measure”). The temporary measure was enacted without the Mayor’s signature on October 26, 2023, and was transmitted to Congress on November 6, 2023.

(h) The 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 Voluntary Agreement Moratorium Congressional Review Emergency Amendment Act of 2023 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.