



2017 JUL 30 AM 9:17

OFFICE OF THE SECRETARY

MURIEL BOWSER
MAYOR

JUL 10 2017

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Ave., NW, Suite 504
Washington, D.C. 20004

2017 JUL 10 AM 9:53
OFFICE OF THE SECRETARY

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia is a measure entitled the "Landlord Transparency Amendment Act of 2017."

The enclosed measure will help to ensure that negligent property owners not are permitted operate multiple non-compliant properties in the District without consequence. The bill will provides subpoena power to the Mayor when the District uncovers ten housing code violations in a single unit or thirty-five violations in a single building. When that happens, the Mayor will be authorized to subpoena ownership records of all individuals or entities with at least a 5% ownership interest in the building or management company and all properties in the District owned or operated by the individuals or entities required to submit this information pursuant to a subpoena.

I urge prompt consideration and approval of this measure.


If you have any questions on this matter, please contact Melinda Bolling, Director, Department of Consumer and Regulatory Affairs, at (202) 442-8935.

Sincerely,

Muriel Bowser

Enclosures




Chairman Phil Mendelson
at the request of the Mayor

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Mendelson, at the request of the Mayor, introduced the following bill, which was referred to the Committee on _____.

To establish Mayoral subpoena power to compel the production of ownership records when a housing rental business allows any of its units to fall into significant disrepair.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Landlord Transparency Amendment Act of 2017”.

Sec. 2. Mayoral subpoena.

(a) The Mayor or the Mayor’s designee, upon a finding of a housing public safety emergency, may require the production of records and information, by subpoena, relating to all property ownership interests in the District from the holder of a basic business license with a housing endorsement for the location of the housing public safety emergency.

(b) A finding of a housing public safety emergency may be made against a holder of a basic business license with a housing endorsement or an individual or entity engaging in rental activity that requires a basic business license with a housing endorsement where the holder or the property owner, in the case of an unlicensed rental, has been issued the following within five business days of an inspection conducted by the Department of Consumer and Regulatory Affairs or a successor agency, pursuant to D.C. Official Code §§ 42-3509.08:

32 (1) At least ten individual citations for violations of a housing code provision or
33 housing regulation of the Housing Regulations Subtitle A of Title 14 DCMR within a single
34 dwelling unit owned or managed by the licensee; or

35 (2) At least thirty-five individual citations for violations of a housing code
36 provision or housing regulation of the Housing Regulations Subtitle A of Title 14 DCMR within
37 a single building unit owned or managed by the licensee.

38 (c) As part of the records and information sought by subpoena in subsection (a), the
39 Mayor may obtain production of property ownership interests in the following circumstances:

40 (1) A licensee who is an individual shall disclose the addresses of any properties
41 in which the licensee holds at least a 5% ownership interest or properties managed by a property
42 management company in which the licensee holds at least a 5% ownership interest.

43 (2) A licensee that is a corporate entity shall disclose:

44 (A) The names of any individuals or entities with at least a 5% ownership
45 interest in the licensee; and

46 (B) The addresses of any properties in which any individual or entity listed
47 pursuant to subparagraph (A) of this subsection holds at least a 5% ownership interest or
48 properties managed by a property management company in which the individuals or entities hold
49 at least a 5% ownership interest.

50 (d) A subpoena issued under this section may be served by any person designated in the
51 subpoena to serve it. Service upon a natural person may be made by personal delivery of the
52 subpoena to that person. Service may be made upon a domestic or foreign corporation or upon a
53 partnership or other unincorporated association which is subject to suit under a common name,
54 by delivering the subpoena to an officer, to a managing or general agent, or to any other agent

55 authorized by appointment or by law to receive service of process. The affidavit of the person
56 serving the subpoena entered on a true copy thereof by the person serving it shall be proof of
57 service.

58 (e) A subpoena shall be served in the manner described in subsection (d) of this section,
59 not less than 15 business days before the documents must be produced.

60 (f) A subpoena issued pursuant to this section shall contain the following:

61 (1) The name of the person or entity from whom documents are requested;

62 (2) A list of the notices of violation relied upon in making a finding of housing
63 public safety emergency;

64 (3) The person to whom the documents shall be provided, and the date and time
65 by which they must be provided;

66 (4) A detailed list of the specific documents requested; and

67 (5) A short, plain statement of the recipient's rights and the procedure for
68 enforcing and contesting the subpoena.

69 (g) In the case of contumacy by or refusal to obey a subpoena issued to any person or
70 entity, the Mayor or the Mayor's designee may invoke the aid of any District of Columbia
71 Superior Court or any court of general jurisdiction where the subpoenaed person or entity is an
72 inhabitant or located, or in which the subpoenaed person or entity carries on business or may be
73 found, to compel compliance with the subpoena. The court may issue an order requiring the
74 subpoenaed person or entity to appear before the Mayor to produce records. Any failure to obey
75 the order of the court may be punished by the court as a contempt thereof.

76 Sec. 3. Fiscal impact statement.

77 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
78 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
79 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

80 Sec. 4. Effective date.

81 This act shall take effect following approval by the Mayor (or in the event of veto by the
82 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
83 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
84 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of
85 Columbia Register.

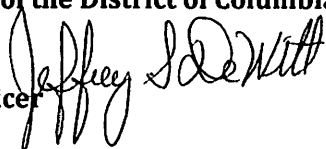
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: July 7, 2017

SUBJECT: REVISED Fiscal Impact Statement – “Landlord Transparency
Amendment Act of 2017”

REFERENCE: Draft bill provided to the Office of Revenue Analysis on July 7, 2017

This revised fiscal impact statement replaces the statement issued on July 5, 2017 and reflects changes to the draft bill.

Conclusion

Funds are sufficient in the fiscal year 2018 through fiscal year 2021 budget and financial plan to implement the bill.

Background

The bill allows the Mayor to declare a “housing public safety emergency” against a landlord¹ that has had at least ten individual citations within five business days for violating a housing code provision in a single dwelling unit, or 35 such violations in a multiple dwelling building. Once a housing public safety emergency is declared, the bill allows the mayor to compel by subpoena information regarding property ownership interests of the landlord.

Financial Plan Impact

Funds are sufficient in the fiscal year 2018 through fiscal year 2021 budget and financial plan to implement the bill. The Department of Consumer and Regulatory Affairs (DCRA) estimates the number of subpoenas issued will range from zero to thirty annually. This workload can be absorbed by DCRA.

¹ Specifically, the bill refers to basic business license holders with a housing endorsement.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Legal Counsel Division

MEMORANDUM

TO: Lolita S. Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: April 20, 2017

SUBJECT: Legal Sufficiency Review of the "Landlord Transparency Amendment Act of 2017" (AE-17-204)

This is to certify that this Office has reviewed the above-referenced Bill and found the Bill legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.



Janet M. Robins