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A BILL  
22-809

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Rental Housing Act of 1985 to prohibit the execution of residential evictions during precipitation, to establish eviction procedure and requirements that a housing provider shall meet before, during, and immediately after a residential eviction, and to establish standards for the handling of an evicted tenant’s personal property; and to clarify, in an eviction not subject to the Rental Housing Act of 1985, the legal status of an evicted tenant’s remaining personal property and a landlord’s civil liability for such property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Eviction with Dignity Amendment Act of 2018”.

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

(a) Section 501(k) (D.C. Official Code § 42-3505.01(k)) is amended as follows:

(1) Strike the phrase “tenant on any day when the National Weather Service predicts at 8:00 a.m. that the temperature at the National Airport weather station will fall below 32 degrees fahrenheit or 0 degrees Celsius within the next 24 hours.” and insert the phrase “tenant:” in its place.

(2) New paragraphs (1) and (2) are added to read as follows:

“(1) On any day when the National Weather Service predicts at 8:00 a.m. that the temperature at the National Airport weather station will fall below 32 degrees fahrenheit or 0

25 degrees Celsius; or

26 “(2) When precipitation is falling at the location of the rental unit.”.

27 (b) A new section 501a is added to read as follows:

28 “Sec. 501a. Storage and disposal of tenants’ personal property upon eviction.

29 “(a) A housing provider shall not remove an evicted tenant’s personal property from a  
30 rental unit except as provided in this section.

31 “(b)(1) In addition to any notification from the United States Marshals Service  
32 (“Marshals”) to the tenant of the date of eviction, a housing provider shall deliver to the tenant a  
33 notice confirming the date of eviction not fewer than ~~14~~21 days before the date of eviction by  
34 using the following methods:

35 “(A) Telephone or electronic communication, including by email or  
36 mobile text message;

37 “(B) First-class mail to the address of the rental unit; and

38 “(C) Conspicuous posting at the tenant’s rental unit in a manner  
39 reasonably calculated to provide notice.

40 “(2) The notice shall:

41 “(A) State the tenant’s name, and the address of the rental unit;

42 “(B) Specify the date on which the eviction is scheduled to be executed;

43 “(C) State that the eviction will be executed on that date unless the tenant  
44 vacates the rental unit and returns possession of the rental unit to the housing provider;

45 “(D) Prominently warn the tenant that any personal property left in the

46 rental unit will be deemed abandoned 7 days after the time of eviction, excluding Sundays and  
47 federal holidays;

48                   “(E) Include the phone numbers of the U.S. Marshals Service, the Office  
49 of the Tenant Advocate, and the Landlord and Tenant Branch of the D.C. Superior Court;

50                   “(F) State that it is the final notice from the housing provider before the  
51 time of eviction, even if the eviction date is postponed by the court or Marshals; and

52                   “(G) State that, for 7 days after the time of eviction, the tenant has the  
53 right to access the tenant’s personal property remaining in the rental unit to remove the personal  
54 property from the rental unit:

55                   “(i) At times agreed to by the parties, excluding Sundays and  
56 federal holidays; provided, that the housing provider shall grant the evicted tenant access on to  
57 the rental unit on a Saturday if the evicted tenant requests it;

58                   “(ii) For no fewer than 16 total hours between the hours of 8:00  
59 a.m. and 6:00 p.m., over a period of not more than 2 days; and

60                   “(iii) With no requirement that the tenant pay rent or service fees  
61 for the 7-day storage period.

62                   “(c)(1) At the time of eviction, the housing provider shall change the locks on the rental  
63 unit in the presence of the Marshals, at the housing provider’s expense, and take legal possession  
64 of the rental unit by receipt of a document from the Marshals.

65                   “(2) Any right of the evicted tenant to redeem the tenancy shall be extinguished at  
66 the time of eviction.

67           “(d)(1) At the day of eviction, the housing provider shall send by first-class mail to the  
68 address of an emergency contact, if provided, and conspicuously post in a manner reasonably  
69 calculated to provide notice to the evicted tenant, a notice containing the following information:

70                           “(A) The name and phone number of at least one agent of the housing  
71 provider who the tenant may contact and who can grant access to the rental unit on the housing  
72 provider’s behalf pursuant to this subsection;

73                           “(B) The phone number of the Office of the Tenant Advocate;

74                           “(C) The phone number of the United States Marshals Service;

75                           “(D) The phone number of the Landlord and Tenant Branch of the D.C.  
76 Superior Court; and

77                           “(E) The text of this subsection, which shall be included in the text of the  
78 notice or attached to the notice.

79           “(2) Any personal property of the evicted tenant present in the rental unit at the  
80 time of eviction shall remain in the rental unit for 7 days after the time of eviction, excluding  
81 Sundays and federal holidays, unless removed by the evicted tenant pursuant to this subsection.

82           “(3) The housing provider shall maintain and exercise reasonable care in the  
83 storage of the personal property of the evicted tenant during the period that the property remains  
84 in the rental unit pursuant to this subsection.

85           “(4)(A) For 7 days after the time of eviction, the housing provider shall grant the  
86 evicted tenant access to the rental unit to remove the tenant’s personal property from the rental  
87 unit::

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88                               “(i) At times agreed to by the parties, excluding Sundays and  
89 federal holidays; provided, that the housing provider shall grant the evicted tenant access on to  
90 the rental unit on a Saturday if the evicted tenant requests it;

91                               “(ii) For no fewer than 16 total hours between the hours of 8:00  
92 a.m. and 6:00 p.m. over a period of not more than 2 days;

93                               “(iii) Without requiring the tenant to pay rent or service fees for the  
94 7-day storage period.

95                               “(B) Notwithstanding subparagraph (A) of this paragraph, a housing  
96 provider may extend the access period at his or her sole and absolute discretion.

97                               “(C) If the housing provider fails to grant access to the evicted tenant to  
98 remove the evicted tenant’s personal property as provided in this paragraph, the evicted tenant  
99 shall have a right to injunctive relief, including requiring the housing provider to grant access to  
100 the evicted tenant at certain dates and times to retrieve the evicted tenant’s personal property and  
101 extending the period during which the housing provider must store the evicted tenant’s personal  
102 property.

103                               “(5)(A) Any of the evicted tenant’s personal property remaining in the rental unit  
104 upon expiration of the period that the property remains in the rental unit pursuant to this  
105 subsection shall be deemed abandoned property.

106                               “(B) The housing provider shall remove, or dispose of, any abandoned  
107 property in the rental unit upon the expiration of the period that the property remains in the rental

108 unit pursuant to this subsection without any further notice or any other obligation to the evicted  
109 tenant.

110                   “(C) The housing provider shall dispose of any abandoned property in any  
111 manner not prohibited by subparagraph (D) of this paragraph or otherwise expressly prohibited  
112 by law.

113                   “(D) The housing provider is prohibited from placing or causing the  
114 placement of abandoned property in an outdoor space other than a licensed disposal facility or  
115 lawful disposal receptacle; provided, that a housing provider may place abandoned property or  
116 cause abandoned property to be placed in an outdoor private or public space while in the process  
117 of transporting the property from the premises for disposal.

118                   “(6) An evicted tenant is prohibited from disposing of or causing the disposal of  
119 personal property in an outdoor space other than a lawful disposal receptacle; provided, that an  
120 evicted tenant may place personal property or cause personal property to be placed in an outdoor  
121 private or public space while in the process of transporting the property from the premises.

122                   “(e) The housing provider and anyone acting on behalf of the housing provider shall be  
123 immune from civil liability for loss or damage to any property deemed abandoned pursuant to  
124 this subsection or claims related to its lawful disposal.

125                   “(f) This section shall not apply to evictions carried out by the District of Columbia  
126 Housing Authority.

127                   “(g) For the purposes of this section, the term “time of eviction” means the time at which  
128 the Marshals execute a writ of restitution.”.

129           “(h) If the housing provider fails to comply with the notice requirements of subsection (b)  
130 or (d)(1) of this section, the evicted tenant shall have a right to injunctive relief, including a stay  
131 on the execution of the eviction until the notice requirements have been met.”.

132           Sec. 3. An Act to establish a code of law for the District of Columbia, approved March 3,  
133 1901 (31 Stat. 1382; D.C. Official Code 42-3201 *passim*), is amended by adding a new section  
134 1225a to read as follows:

135           “1225a. Disposal of tenant’s personal property upon ejectment.

136           “(a) At the time of an ejectment not subject to the Rental Housing Act of 1985, effective  
137 July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), the landlord shall  
138 change the locks on the leased premises in the presence of the United States Marshals Service  
139 (“Marshals”), at the landlord’s expense, and take legal possession of the leased premises by  
140 receipt of a document from the Marshals.

141           “(b) Any right of the ejected tenant to redeem the tenancy shall be extinguished at the  
142 time of ejectment.

143           “(c) Any personal property remaining in or about the leased premises at the time of  
144 ejectment is deemed abandoned property.

145           “(d)(1) The landlord shall dispose of any abandoned property in any manner not  
146 prohibited by subsection (e) of this section or otherwise expressly prohibited by law.

147           “(2) If the landlord receives any funds from any sale of such abandoned property,  
148 the landlord shall pay such funds to the account of the ejected tenant and apply any amounts due  
149 the landlord by the ejected tenant, including the actual costs incurred by the landlord in the

150 ejection process described in this section.

151           “(3) If any funds are remaining after application, the remaining funds shall be  
152 treated as a security deposit under applicable law.

153           “(e) The landlord is prohibited from placing or causing the placement of abandoned  
154 property in an outdoor space other than a licensed disposal facility or lawful disposal receptacle;  
155 provided, that a landlord may place abandoned property or cause abandoned property to be placed  
156 in an outdoor private or public space while in the process of transporting the abandoned property  
157 from the leased premises for disposal.

158           “(f) The landlord and anyone acting on behalf of the landlord shall be immune from civil  
159 liability for loss or damage to the ejected tenant’s abandoned property or claims related to its  
160 lawful disposal.

161           “(g)(1) For the purposes of this section, the term “ejection” shall have the same  
162 meaning as “eviction” under the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law  
163 6-10; D.C. Official Code § 42-3501.01 *et seq.*).

164           “(2) For the purposes of this section, the term “time of ejection” means the time  
165 at which the Marshals execute a writ of restitution.”.

166           Sec. 4. Section 4(a) of the Rental Housing Commission Independence Clarification  
167 Amendment Act of 2018, enacted on October 25, 2018 (D.C. Act 22-492; \_\_ DCR \_\_), is  
168 amended by striking the phrase “202b(c)-d)” and inserting the phrase “202b(b)-(c)” in its place.

169           Sec. 4. Fiscal impact statement.

170           The Council adopts the fiscal impact statement in the committee report as the fiscal



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171 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
172 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

173           Sec. 6. Effective date.

174           This act shall take effect following approval by the Mayor (or in the event of veto by the  
175 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
176 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
177 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
178 Columbia Register.