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OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR

JAN 7 2019

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

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 2019."

The enclosed measure would help to ensure that negligent property owners are not permitted to operate multiple non-compliant properties in the District without consequence. The bill would provide 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 would be authorized to subpoena ownership records of all individuals or entities with at least a 5 percent 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 Ernest Chrappah, Interim Director, Department of Consumer and Regulatory Affairs, at (202) 442-8935.

Sincerely,


Muriel Bowser



Chairman Phil Mendelson
at the request of the Mayor

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7 A BILL
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10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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13 To establish Mayoral subpoena power to compel the production of ownership records when a
14 housing rental business allows any of its units to fall into significant disrepair.

15 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
16
17 act may be cited as the “Landlord Transparency Amendment Act of 2019”.

18 Sec. 2. Mayoral subpoena.

19 (a) The Mayor or the Mayor’s designee, upon a finding of a housing public safety
20 emergency, may issue a subpoena requiring the holder of a basic business license with a housing
21 endorsement or an unlicensed rental housing business operator to produce records and
22 information relating to all property ownership interests in the District.

23 (b) A finding of a housing public safety emergency may be made against a holder of a
24 basic business license with a housing endorsement or an individual or entity engaging in
25 unlicensed rental housing activity that requires a basic business license with a housing
26 endorsement when the following has been issued within five business days of an inspection
27 conducted by the Department of Consumer and Regulatory Affairs or a successor agency,
28 pursuant to section 908 of the Rental Housing Act of 1985, effective March 21, 2009 (D.C. Law
29 17-319; D.C. Official Code §42-3509.08):

30 (1) At least ten individual citations for violations of a housing code provision or
31 housing regulation of the Housing Regulations Subtitle A of Title 14 DCMR or the Property

32 Maintenance Code, Subtitle G of Title 12 DCMR, within a single dwelling unit owned or
33 managed by the licensee or rental housing business operator; or

34 (2) At least thirty-five individual citations for violations of a housing code
35 provision or housing regulation of the Housing Regulations Subtitle A of Title 14 DCMR or the
36 Property Maintenance Code, Subtitle G of Title 12 DCMR, within a single building unit owned
37 or managed by the licensee or rental housing business operator.

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 or rental housing business operator who is an individual shall
41 disclose the addresses of any properties in which the licensee or rental housing business operator
42 hold at least a 5% ownership interest, and any properties managed by a property management
43 company in which the licensee or rental housing business operator hold at least a 5% ownership
44 interest.

45 (2) A licensee or rental housing business operator that is a corporate entity shall
46 disclose:

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

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

53 (d) A subpoena issued under this section may be served by any person designated in the
54 subpoena to serve it. Service upon a natural person may be made by personal delivery of the

55 subpoena to that person. Service may be made upon a domestic or foreign corporation or upon a
56 partnership or other unincorporated association which is subject to suit under a common name,
57 by delivering the subpoena to an officer, to a managing or general agent, or to any other agent
58 authorized by appointment or by law to receive service of process. The affidavit of the person
59 serving the subpoena entered on a true copy thereof by the person serving it shall be proof of
60 service.

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

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

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

65 (2) A list of the notices of violation or notices of infraction relied upon in making
66 a finding of housing public safety emergency;

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

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

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

72 (g) In the case of contumacy by or refusal to obey a subpoena issued to any person or
73 entity, the Mayor or the Mayor's designee may, through the Office of the Attorney General,
74 invoke the aid of any District of Columbia Superior Court or any court of general jurisdiction
75 where the subpoenaed person or entity is an inhabitant or located, or in which the subpoenaed
76 person or entity carries on business or may be found, to compel compliance with the subpoena.
77 The court may issue an order requiring the subpoenaed person or entity to appear before the

78 Mayor to produce records. Any failure to obey the order of the court may be punished by the
79 court as a contempt thereof.

80 Sec. 3. Fiscal impact statement.

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

84 Sec. 4. Effective date.

85 This act shall take effect following approval by the Mayor (or in the event of veto by the
86 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
87 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
88 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of
89 Columbia Register.

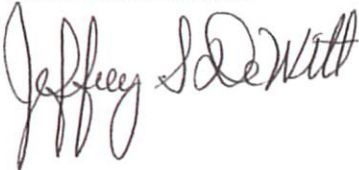
Government of the District of Columbia
Office of the Chief Financial Officer



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: December 28, 2018

SUBJECT: Fiscal Impact Statement – “Landlord Transparency Amendment Act of 2019”

REFERENCE: Draft bill provided to the Office of Revenue Analysis on December 18, 2018

Conclusion

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 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 the property ownership interests of the landlord.

Financial Plan Impact

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. The Department of Consumer and Regulatory Affairs estimates the number of subpoenas issued will range from zero to thirty annually and will be employed as the agency’s resources allow.

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



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM


TO: Alana Intrieri
Executive Director
Office of Policy & Legislative Affairs

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

DATE: January 2, 2019

SUBJECT: Legal Sufficiency Review of the "Landlord Transparency Amendment Act of 2019"
(AE-17-204B)

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


Janet M. Robins