ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend section 16-1501 of the District of Columbia Official Code to provide that a person aggrieved shall not file a complaint seeking restitution of possession for nonpayment of rent in an amount less than $600 and to provide that the person aggrieved shall not file a complaint seeking restitution of possession without a current rental housing license; to amend the Rental Housing Act of 1985 to require that a written notice be served on a tenant before evicting the tenant for nonpayment of rent, to require photographic evidence to be submitted to court if a summons is posted on the property, to require notice in a tenant's primary language if the housing provider knows a tenant speaks a covered language other than English, to prohibit a housing provider from filing a claim to recover possession of a rental unit for the nonpayment of rent unless the housing provider has provided the tenant with at least 30 days' written notice of its right to do so, to specify language that must be included in a nonpayment notice, to require the Court to dismiss claims for possession in certain circumstances, to prohibit eviction if the housing provider does not have a valid rental registration or claim of exemption and current business license, to require the Court to seal certain eviction records, to authorize the Court to seal certain eviction records upon motion by a defendant, to authorize the Court to release sealed eviction records under limited circumstances with privacy protections in place, to require disclosure of certain information prior to requesting information or fees for the purpose of screening a prospective tenant, to limit the fees charged to a prospective tenant, to require a refund of application fees under certain circumstances, to prohibit the use of certain information for the purposes of adverse actions against a prospective tenant, to provide for enforcement of the law through the Office of Human Rights, and to allow a prospective tenant to file a civil action in the Superior Court of the District of Columbia if a housing provider violates this act and the tenant does not pursue administrative enforcement; to amend the Human Rights Act of 1977 to describe types of actions that may be considered unlawful source of income discrimination, to prohibit discrimination in housing based on a person having a sealed eviction record, and to prohibit conditioning real estate transactions and other terms or conditions of housing on disclosure of a sealed eviction record.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022".

Sec. 2. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-1501 is amended as follows:

(1) The existing text is designated as subsection (a).

(2) New subsections (b), (c), (d) and (e) are added to read as follows:

"(b) A person aggrieved shall not file a complaint seeking restitution of possession pursuant to this section for nonpayment of rent in an amount less than $600. Nothing in this subsection shall prevent the person aggrieved from filing a complaint to recover the amount owed.

"(c)(1) A person aggrieved shall not file a complaint seeking restitution of possession pursuant to this section without a valid rental registration or claim of exemption pursuant to § 42-3502.05, and a current license for rental housing issued pursuant to § 47- 2828(c)(1), as certified at the time of filing and documented at the initial hearing.

"(2) The Court may waive the requirements for a current license for rental housing in this subsection if the person aggrieved can demonstrate that they were unable to obtain or renew a current rental housing license due to extenuating circumstances, including a medical emergency, agency delay, or a circumstance in which a tenant or occupant denies permission for a required pre-license inspection or required repairs.

"(3) The requirements of this subsection shall not apply to complaints involving subtenants.

"(d) At the initial hearing for any complaint for possession, if the complaint does not allege sufficient facts or the person aggrieved has not produced sufficient documentation to meet all requirements under District law, the Court shall dismiss the complaint.

"(e) Subsections (b) and (c) of this section shall not apply to complaints involving commercial tenants.".

(b) Section 16-1502 is amended to read as follows:

"§ 16-1502. Service of summons.

"(a) The summons provided for by section 16-1501 shall be served 30 days, excluding Sundays and legal holidays, before the day fixed for the initial hearing of the action. If the defendant has left the District, or cannot be found, the summons may be served by delivering a copy of the summons to the tenant, or by leaving a copy with some person above the age of 16 years residing on or in possession of the premises, or by posting a copy of the summons on the premises where it may be conveniently read.

"(b)(1) If the summons is posted on the premises, a copy of the summons shall be mailed first class U.S. mail, postage prepaid, to the premises sought to be recovered, addressed in the name of the person known to be in possession of the premises, or, if unknown, addressed in the name of the person occupying the premises, within 3 calendar days of the date of posting.

"(2) If a summons is served by posting a copy on the premises, a photograph of the posted summons must be submitted to the court. The photograph must have a readable timestamp that indicates the date and time when the summons was posted.".

Sec. 3. Title V of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3505.01 *et seq*.), is amended as follows:

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

(1) Subsection (a) is amended to read as follows:

"(a)(1) Except as provided in this section, no tenant shall be evicted from a rental unit, notwithstanding the expiration of the tenant's lease or rental agreement, so long as the tenant continues to pay the rent to which the housing provider is entitled for the rental unit; provided, that the nonpayment of a late fee shall not be the basis for an eviction. No tenant shall be evicted from a rental unit for any reason unless the tenant has been served with a written notice which meets the requirements of this section. Notices for all reasons other than for nonpayment of rent shall be served upon both the tenant and the Rent Administrator.

"(2) If a notice is served by posting a copy on the premises, a photograph of the posted notice must be submitted to the court. The photograph must have a readable timestamp that indicates the date and time of when the summons was posted.

"(3) If the landlord knows the tenant speaks a primary language other than English or Spanish that is covered under § 2-1933, the landlord must provide the notice in that language.

"(4) The Court shall dismiss a claim brought by a housing provider to recover possession of a rental unit where the housing provider:

"(A) Did not provide notice as required by this section;

"(B) Filed the claim to recover possession of the rental unit before the number of days of notice required by this section had elapsed;

"(C) In cases where a notice to quit or a summons and complaint are served by posting on the leased premise, failed to provide the Superior Court of the District of Columbia with photographic evidence of the posted service with a readable timestamp that indicates the date and time of when the notice or summons were posted, or

"(D) In cases where the landlord knows the tenant speaks a primary language other than English or Spanish that is covered under § 2-1933, failed to provide the notice required by this section in that language.".

(2) Subsection (s) is repealed.

(3) A new subsection (a-1) is added to read as follows:

"(a-1) (1) A housing provider shall provide the tenant with notice of the housing provider's intent to file a claim against a tenant to recover possession of a rental unit for the non-payment of rent at least 30 days before filing the claim.

"(2) Notice provided to a tenant shall contain the following or substantively similar language:

"The total amount of rent owed is [list specific amount due]. A ledger showing the dates of rent charges and payments for the period of delinquency is attached. You have the right to remain in the rental unit if the total balance of unpaid rent is paid in full.

"[Name of housing provider] has the right to file a case in court seeking your eviction if you do not pay the balance of unpaid rent in full within 30 days of this notice.

"You have the right to defend yourself in court. Only a court can order your eviction. For further help or to seek free legal services, contact the Office of the Tenant Advocate at 202-719-6560 or the Landlord Tenant Legal Assistance Network at 202-780-2575.".

(3) Subsection (b) is amended to read as follows:

"(b) A housing provider may recover possession of a rental unit when the tenant is violating an obligation of the tenancy, other than nonpayment of rent, and fails to correct the violation within 30 days after receiving notice from the housing provider."

(4) A new subsection (q) is added to read as follows:

"(q) No tenant shall be evicted from a rental unit unless the housing provider provides documentation to the court at the time of filing a writ of restitution demonstrating that the housing provider has a current business license for rental housing issued pursuant to § 47-2828(c)(1), unless the court waived the license requirement. The requirements of this subsection shall not apply to complaints involving subtenants.".

(b) New sections 509 and 510 are added to read as follows:

"(a) The Superior Court of the District of Columbia ("Superior Court") shall seal all court records relating to an eviction proceeding:

"(1) If the eviction proceeding does not result in a judgment for possession in favor of the housing provider, 30 days after the final resolution of the eviction proceeding; or

"(2) If the eviction proceeding results in a judgement for possession in favor of the housing provider, 3 years after the final resolution of the eviction proceeding.

"(b) For court records relating to an eviction proceeding filed before March 11, 2020, the requirements of subsection (a) of this section shall apply as of January 1, 2022.

"(c)(1) The Superior Court shall seal court records relating to an eviction proceeding at any time, upon a motion by a tenant, if:

"(A) The tenant demonstrates by a preponderance of the evidence that:

"(i) The housing provider brought the eviction proceeding because the tenant failed to pay an amount of $600 or less;

"(ii) The tenant was evicted from a unit under any federal or District site-based housing subsidy program, or any federal or District tenant-based housing subsidy program;

"(iii) The housing provider's initiation of eviction proceedings against the tenant was in violation of:

"(I) Section 502; or

"(II) § 2-1402.61);

"(iv) The housing provider failed to timely abate a violation of 14 DCMR § 100 et seq. or 12G DCMR 100 *et seq.* in relation to the defendant tenant's rental unit;

"(v) The housing provider initiated the eviction proceedings because of an incident that would constitute a defense to an action for possession under section 501(c-1) or a federal law pertaining to domestic violence, dating violence, sexual assault, or stalking; or

"(vi) The parties entered into a settlement agreement that did not result in the housing provider recovering possession of the unit; or

"(B) The Superior Court determines that there are other grounds justifying sealing the court records.

"(2) An order dismissing, granting, or denying a motion filed under this subsection shall be a final order for purposes of appeal.

"(3)(A) A copy of an order issued under this subsection shall be provided to the tenant or his or her counsel.

"(B) A tenant may obtain a copy of an order issued under this subsection at any time from the Clerk of the Superior Court, upon presenting proper identification, without a showing of need.

"(d) Records sealed under this section shall be opened:

"(1) Upon written request of the tenant; or

"(2) On order of the Superior Court upon a showing of compelling need.".

"(e)(1) The court may release records sealed under this section for scholarly, educational, journalistic, or governmental purposes upon a balancing of the interests of the tenant for nondisclosure against the interests of the requesting party; provided, that personally identifiable information about the tenant, such as the name and address shall only be disclosed after:

"(A) Submission of a written request to the court by a researcher;

"(B) Approval by the court through the execution of a written data use agreement that describes the research project;

"(C) Documented applicable Institutional Review Board approval;

"(D) Provision of documented procedures to protect the confidentiality and security of the information; and

"(E) Provision of documented procedures for data storage and the data destruction method to be used for the information is provided.

"(2)(A) Upon receipt of a request and proof of identity, copies of any record sealed under this section shall be provided to the following persons, without the public unsealing of the records and without a showing of need:

"(i) The tenant named in the record;

"(ii) The tenant's counsel; or

"(iii) An attorney authorized to practice law in the District of Columbia who is considering commencing representation of the tenant; provided, that the person shall:

"(I) Certify to the Court's satisfaction that the tenant has requested consideration for representation and has authorized the attorney's access to the sealed records; and

"(II) Provide the Court with the person's D.C. bar number or proof of authorization to practice under Rule 49(c) of the District of Columbia Court of Appeals.

"(B) A person may request records sealed under this section in person at the Civil Division or by an electronic means designated by the Civil Division.

"(C) For purposes of this section, the term "records" shall include any information contained in the docket, including the court docket, pleadings, and orders.

"(f) Any agreement pursuant to which personally identifiable information contained in a court record or report is disclosed shall:

"(1) Prohibit the re-release of any personally identifiable information without explicit permission from the court;

"(2) Require that the information be used solely for research or administrative purposes;

"(3) Require that the information be used only for the project described in the application;

"(4) Prohibit the use of the information as a basis for legal, administrative, or any other action that directly affects any individual or institution identifiable from the data;

"(5) Set forth the payment, if any, to be provided by the researcher to the court for the specified research project; and

"(6) Require that ownership of data provided under the agreement shall remain with the court, not the researcher or the research project.

"(g) The Superior Court shall not order the redaction of the tenant's name from any published opinion of the trial or appellate courts that refer to a record sealed under this section.

"(h)(1) Where a housing provider intentionally bases an adverse action taken against a prospective tenant on an eviction court record that the housing provider knows to be sealed pursuant to this section, the prospective tenant may bring a civil action in the Superior Court within one year after the alleged violation and, upon prevailing, shall be entitled to the following relief:

"(A) Reasonable attorneys' fees and costs;

"(B) Incidental damages; and

"(C) Equitable relief as may be appropriate.

"(2) For the purposes of this section, the term "adverse action" means:

"(A) Denial of a prospective tenant's rental application; or

"(B) Approval of a prospective tenant's rental application, subject to terms or conditions different and less-favorable to the prospective tenant than those included in any written notice, statement, or advertisement for the rental unit, including written communication sent directly from the housing provider to a prospective tenant.

"Sec. 510. Tenant screening.

"(a) Before requesting any information or fees from a prospective tenant as a part of tenant screening, a housing provider shall first notify the prospective tenant in writing, or by posting in a manner accessible to a prospective tenant:

"(1) The amount and purpose of each fee or deposit, whether mandatory or voluntary, that may be charged to a tenant or prospective tenant and whether the fee or deposit is refundable;

"(2) The types of information that will be accessed to conduct a tenant screening;

"(3) The specific criteria that will result in automatic denial of the application;

"(4) Any additional criteria that may result in denial of the application;

"(5) If a credit or consumer report is used, the name and contact information of the credit or consumer reporting agency and a statement of the prospective tenant's rights to obtain a free copy of the credit or consumer report in the event of a denial or other adverse action;

"(6) The approximate quantity of rental units that will be available for rent over a specified period, by bedroom size and monthly rent, or if such information is not available, the number of rental units that became available for rent each calendar month in the housing provider's prior fiscal year;

"(7) The number of days after receipt of a prospective tenant's application that the housing provider will respond with an approval or denial decision;

"(8) The prospective tenant's right to dispute any information relied upon by the housing provider that is inaccurately or incorrectly attributed to the prospective tenant or is based upon the housing provider's use of prohibited criteria, and the right to receive a response from the housing provider regarding any information disputed by the prospective tenant;

"(9) The prospective tenant's right to a refund for any unused application fee; and

"(10) The prospective tenant's right to file a complaint with the Office of Human Rights or pursue civil action via the Superior Court of the District of Columbia ("Superior Court") if he or she believes the housing provider has violated this section.

"(b)(1) A housing provider may require a prospective tenant to pay an application fee. Such an application fee will be no more than $50.

"(2) Beginning on January 1, 2024, the application fee specified in paragraph (1) of this subsection may be adjusted annually by the housing provider, or his or her agent, commensurate with an increase in the Consumer Price Index for All Urban Consumers published by the United States Bureau of Labor Statistics.

"(c) If a housing provider fails to conduct a screening of a prospective applicant for any reason, the housing provider shall refund any application fee paid by the prospective tenant within a reasonable time, not to exceed 14 days.

"(d) For the purposes of tenant screening, a housing provider shall not make an inquiry about, require the prospective tenant to disclose or reveal, or base an adverse action on:

"(1) Whether a previous action to recover possession from the prospective tenant occurred if the action:

"(A) Did not result in a judgment for possession in favor of the housing provider; or

"(B) Was filed 3 or more years ago.

"(2) Any allegation of a breach of lease by the prospective tenant if the alleged breach:

"(A) Stemmed from an incident that the prospective tenant demonstrates may constitute a defense to an action for possession under section 501(c-1) or a federal law pertaining to domestic violence, dating violence, sexual assault, or stalking, including records of civil or criminal protection orders sought or obtained by the prospective tenant or of criminal matters in which the prospective tenant is a witness;

"(B) Stemmed from an incident in which the prospective tenant was a victim of a crime in the unit subject to the lease;

"(C) Is related to the prospective tenant or household member's disability; or

"(D) Took place 3 or more years ago.

"(e)(1) A housing provider shall not base an adverse action solely on a prospective tenant's credit score or lack thereof, although information within a credit or consumer report directly relevant to fitness as a tenant can be relied upon by a housing provider.

"(2) It shall not be considered a violation of this section if a housing provider receives a credit or consumer report containing information that may not be used as the basis of an adverse action pursuant to subsection (d) of this section; provided, that the housing provider did not specifically request or inquire about this information and can demonstrate that he or she did not base an adverse action on such information.

"(f) If a housing provider takes an adverse action, he or she shall provide a written notice of the adverse action to the prospective tenant no later than the response date provided to the prospective tenant pursuant to subsection (a)(7) of this section that includes:

"(1) The specific grounds for the adverse action;

"(2) A copy or summary, free of charge, of any information obtained from a third party that formed a basis for the adverse action;

"(3) A statement informing the prospective tenant of his or her right to dispute the accuracy of and permissibility of the housing provider's use of any information upon which the housing provider relied in making his or her adverse action determination; and

"(4) A statement informing the prospective tenant of his or her right to file a complaint with the Office of Human Rights if he or she believes a housing provider violated this section.

"(g)(1) After receipt of a notice of an adverse action, a prospective tenant may provide to the housing provider any evidence that information relied upon by the housing provider is:

"(A) Inaccurate or incorrectly attributed to the prospective tenant; or

"(B) Based upon prohibited criteria under subsection (d) of this section.

"(2) The housing provider shall provide a written response, which may be by mail, electronic mail, or in person, to the prospective tenant with respect to any information provided under this subsection within 10 days after receipt of the information from the prospective tenant.

"(3) Nothing in this subsection shall be construed to prohibit a housing provider from considering debts owed to a housing authority, any other criteria established in federal law, or from leasing a housing rental unit to other prospective tenants.

"(h)(1) A prospective tenant may file a complaint with the Office of Human Rights if he or she believes that a housing provider violated this section. If the Office of Human Rights determines that there is probable cause to believe that a housing provider has knowingly violated this section, the Office of Human Rights shall certify the complaint to the Commission on Human Rights. The Commission on Human Rights may impose the following penalties, of which half shall be awarded to the complainant and half shall deposited into the General Fund of the District of Columbia:

"(A) For a housing provider that owns or leases 1 to 10 rental units, a fine of up to $1,000;

"(B) For a housing provider that owns or leases 11 to 19 rental units, a fine of up to $2,500; and

"(C) For a housing provider that owns or leases 20 or more rental units, a fine of up to $5,000.

"(2) The fines set forth in paragraph (1) of this subsection may be doubled for any provider that:

"(A) Violates this section more than twice within a calendar year; or

"(B) Fails to implement a corrective action ordered by the Commission on Human Rights within 90 days after the corrective action is ordered.

"(3) For any violation that occurs within 6 months after the applicability date of this subsection, the Commission on Human Rights shall issue warnings and orders to correct in lieu of penalties. The Commission on Human Rights may impose penalties as provided in this subsection for violations that occur more than 6 months after the applicability date of this subsection.

"(4) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq*.), may issue rules to implement the provisions of this subsection.

"(i)(1) A prospective tenant may bring a civil action in Superior Court against a housing provider who violates this section within one year after the alleged violation; except, that prospective tenant may not pursue a civil action against a housing provider if he or she has filed a complaint with the Office of Human Rights pursuant to subsection (h) of this section.

"(2) When a prospective tenant prevails in a civil action brought pursuant to this subsection, he or she shall be entitled to the following relief:

"(A) Reasonable attorney's fees and costs;

"(B) Incidental damages; and

"(C) Equitable relief as may be appropriate.

"(j) For the purposes of this section, the term:

"(1) "Adverse action" means:

"(A) Denial of a prospective tenant's rental application; or

"(B) Approval of a prospective tenant's rental application, subject to terms or conditions different and less-favorable to the prospective tenant than those included in any written notice, statement, or advertisement for the rental unit, including written communication sent directly from the housing provider to a prospective tenant.

"(2) "Tenant screening" means any process used by a housing provider to evaluate the fitness of a prospective tenant.".

Sec. 4. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. 257 Official Code § 2-1401.01 et seq.), is amended as follows:

(a) Section 101 (D.C. Official Code § 2-1401.01) is amended by striking the phrase "source of income" and inserting the phrase "source of income, sealed eviction record" in its place.

(b) Section 102 (D.C. Official Code § 2-1401.02) is amended as follows:

(1) Paragraph (27B) is redesignated as paragraph (27C).

(2) A new paragraph (27B) is added to read as follows:

"(27B) "Sealed eviction record" means an eviction record that has been sealed pursuant to section 509 of The Rental Housing Act of 1985, passed on 2nd reading March 1, 2022 (Enrolled version of Bill 243-96).".

(3) Paragraph (29) is amended by striking the phrase "federal payments" and inserting the phrase "federal or District payments" in its place.

(c) Section 221 (D.C. Official Code § 2-1402.21) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) The lead-in text is amended by striking the phrase "source of income" and inserting the phrase "source of income, sealed eviction record" in its place.

(B) Paragraph (5) is amended by striking the phrase "source of income" and inserting the phrase "source of income, sealed eviction record" in its place.

(2) New subsections (g) and (h) are added to read as follows:

"(g) Additional unlawful discriminatory practices.

"(1) It shall be an unlawful discriminatory practice to do any of the acts prohibited in subsection (a) or subsection (b) of this section to a prospective tenant seeking to rent with the assistance of an income-based housing subsidy based on:

"(A) Prior rental history involving nonpayment or late payment of rent if the nonpayment or late payment of rent occurred during a period in which the prospective tenant

did not have an income-based housing subsidy and if the housing provider could reasonably have known the date of receipt;

"(B) Income level (other than whether or not the level is below a threshold as required by local or federal law), a credit score, or the lack of credit score, unless such consideration of a credit score or the lack of credit score is required by federal law; or

"(C) Any credit issues that arose during a period in which the prospective tenant did not have an income-based housing subsidy if the housing provider could reasonably have known the date of receipt.

"(2) There shall be a rebuttable presumption that an unlawful discriminatory practice has occurred if the prospective tenant seeks to pay rent with an income-based housing subsidy and:

"(A) The housing provider charges the prospective tenant any mandatory fees or deposits that the housing provider would not require to be paid by a similarly situated prospective tenant who does not seek to pay rent with an income-based housing subsidy; or

"(B) The housing provider charges a greater amount of rent to the prospective tenant than it would charge to a prospective tenant who does not have an income-based housing subsidy.

"(3) For purposes of this subsection, the term "income-based housing subsidy" means recurring monetary assistance to a housing provider from the federal government or District government that is intended to defray in whole or in part the tenant's rental obligation.

"(h) Sealed eviction records.

"(1) It shall be an unlawful discriminatory practice to do any of the acts prohibited in subsection (a) or subsection (b) of this section based on information contained within a sealed eviction record or the actual knowledge or belief that a person has a sealed eviction record.

"(2) It shall be an unlawful discriminatory practice to inquire about the existence of or content of a sealed eviction record in connection with, or to require a person to disclose a sealed eviction record as a condition of:

"(A) Entering into any transaction in real property;

"(B) Inclusion of any clause, condition, or restriction in the terms of a transaction in real property;

"(C) Appraisal of a property, agreement to lend money, guarantee a loan, purchase a loan, accept residential real property as security for a loan, accept a deed of trust or mortgage, or otherwise make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair, or maintenance of real property, or to provide title or other insurance relating to ownership or use of any interest in real property;

"(D) Access to facilities, services, repairs, or improvements for a tenant or lessee; or

"(E) Access to, or membership or participation in any multiple-listing

service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting residential real estate, including in terms or conditions of access to or membership or participation in any such organization, service, or facility.".

Sec. 5. Subchapter 2 of Chapter 16 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1271, D.C. Official Code § 42-801 *et seq.*), is amended by adding a new section 539e to read as follows:

"Sec. 539e. Requirement for deed before action against current occupant of foreclosed property.

"(a) No purchaser from a foreclosure auction or other auction shall issue a notice to quit or otherwise initiate an action for possession, ejectment, or their equivalents, or charge rent, fair use and occupancy, or their equivalents, against a current occupant unless a deed transfers the property to the purchaser and the deed is recorded at the Recorder of Deeds.

"(b) This section does not alter the rights of tenants whose tenancies survive foreclosure.".

Sec. 6. Section 3(b)(6) of the Tenant Safe Harbor Temporary Amendment Act of 2021, effective February 24, 2022 (D.C. Law 24-75; 69 DCR 190), is repealed.

Sec. 7. Applicability.

(a) Amendatory section 510(a)(10), (f)(4), and (h) in section 3(b) shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause notice of the certification to be published in the District of Columbia Register.

(2) The date of the publication of the notice of the certification shall not affect the applicability of this act.

Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 9. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

_____
Chairman
Council of the District of Columbia

_____
Mayor
District of Columbia