

A RESOLUTION

22-13

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 10, 2017

To declare the existence of an emergency, with respect to the need to amend the Rental Housing Act of 1985 to authorize the Rental Housing Commission to certify and publish, prior to March 1 of each year, the most recent annual cost-of-living adjustment of benefits for social security recipients and the maximum annual rent adjustment that may be imposed on a unit occupied by an elderly tenant or tenant with a disability, and to add the Social Security cost-of-living adjustment as a third lowest option of the cap on the annual standard rent increase for a unit occupied by an elderly tenant or a tenant with a disability in addition to the Consumer Price Index, and 5 % of the current rent charged.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Elderly Tenant and Tenant with a Disability Protection Emergency Declaration Resolution of 2017”.

Sec. 2. (a) The District’s rent control regime is established by the Rental Housing Act of 1985. More than 80,000 housing units are subject to the law and account for about 50% of the rental housing stock in the District. For units subject to rent control, annual rent increases for most tenants are limited to the Consumer Price Index (“CPI-W”) plus 2%, with a maximum of 10%, and for elderly tenants and tenants with disabilities, the CPI-W alone, with a maximum of 5%.

(b) The Elderly Tenant and Tenant With a Disability Protection Amendment Act of 2016, passed on 2nd reading December 6, 2016 (Enrolled version of Bill 21-173), added the Social Security cost-of-living adjustment as a third-lowest option of the cap on the annual standard rent increase for a unit occupied by an elderly tenant or a tenant with a disability, in addition to the CPI-W and 5 % of the current rent charged.

(c) Bill 21-173 also authorized the Rental Housing Commission (“RHC”) to certify and publish before March 1 of each year:

(1) The most recent annual cost-of-living adjustment of benefits for social security recipients; and

(2) The maximum annual rent adjustment that may be imposed on a unit occupied by an elderly tenant or tenant with a disability.

(d) The RHC publishes regulations governing the annual adjustment of general applicability in late January, for an effective date on May 1. However, the RHC will not have the

authority to begin the regulatory process to publish these regulations until Bill 21-173 becomes law, likely sometime in March.

(e) Even if the RHC publishes emergency regulations in April, the regulations will give housing providers just a few weeks' notice of the new requirements. This short notice period could lead to confusion and errors, possibly harming elderly tenants, tenants with disabilities, and housing providers.

(f) This emergency legislation is necessary to provide adequate notice to housing providers, elderly tenants, and tenants with disabilities of the addition of the annual cost-of-living adjustment of benefits for social security recipients as a more affordable increase of rents charged.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Elderly Tenant and Tenant with a Disability Protection Emergency Amendment Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.