A RESOLUTION

<u>22-548</u>

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

<u>June 26, 2018</u>

To declare the existence of an emergency with respect to the need to amend the Rental Housing Act of 1985 to prohibit the execution of residential evictions when the chance of precipitation is 50% or greater, establish a tenant opt-in process for the packaging, transportation, and storage of evicted tenants' personal property remaining in a rental unit at the time of eviction, and clarify housing providers' civil liability with respect to personal property remaining in the rental unit; and to clarify, in a non-residential eviction, the legal status of an evicted tenant's remaining personal property and a landlord's civil liability for such property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Eviction Reform Emergency Declaration Resolution of 2018".

Sec. 2. (a) In mid-March of 2018, the United States Marshals Service ("Marshals") informed members of the Landlord-Tenant Rules Committee of the Superior Court of the District of Columbia that it intended to make significant changes to the process by which the Marshals execute evictions on the court's behalf.

(b) Current practice entails armed Marshals supervising the execution of a writ of restitution – the legal document which evicts a tenant – while landlord-hired movers loosely package and move the evicted tenant's remaining personal property to the sidewalk. Often, the tenant abandons the property at that time due to the tenant's inability to pay to move it to another location, or the property is stolen before transportation can be arranged.

(c) The Marshals has proposed to change this process in early July 2018 by having the landlord change the locks on the rental unit, rather than supervising the moving of the personal property to the sidewalk. This is a more humane and desirable outcome for both the landlord and the evicted tenant, but there are a number of pressing unresolved legal and practical issues that will arise from the policy change without the benefit of stakeholder feedback in its development and rapid implementation.

(d) In response to the pending change, Councilmembers Trayon White and Anita Bonds introduced the Eviction with Dignity Act of 2018 (Bill 22-809) on May 1, 2018, which is currently pending in the Committee on Housing and Neighborhood Revitalization.

(e) Certain stakeholders also began to meet to consider legislative changes necessary to accompany the change, and following the convening of a larger working group by the Council in May and June, this emergency legislation was drafted.

(f) This emergency legislation governs both residential and non-residential evictions, albeit in different ways. With respect to residential evictions, the bill preserves the current prohibition on evictions on days when the chance of precipitation is 50% or greater. The bill also creates a process – modeled on the practices of many other states and cities – wherein the housing provider pays to package, move, and privately store any remaining personal property left in the rental unit for up to 30 days and within a 10-mile radius of the rental unit. The bill additionally clarifies the landlord's liability with respect to the property after the locks are changed.

(g) For non-residential evictions, the bill's provisions are more limited and clarify the legal status of an evicted tenant's remaining personal property, the landlord's obligations for disposition of such property, and the landlord's civil liability.

(h) The emergency bill's provisions represent broad consensus among the working group members, although the permanent bill pending in committee will benefit from further deliberations in a hearing in the fall.

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 Eviction Reform Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.