

  
Councilmember Mary M. Cheh

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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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Councilmember Mary M. Cheh introduced the following bill, which was referred to the Committee on \_\_\_\_\_.

To amend the Rental Housing Act of 1985 to clarify that a housing provider is prohibited from circumventing the rent control law by imposing on the tenant any mandatory fee for services or facilities except as included in the maximum rent charged; to extend for twelve months the TOPA rights of any tenant who has timely vacated a rental unit pursuant to a notice to vacate for the owner's personal use and occupancy; and to define "reasonable notice" and "reasonable time" as these terms pertain to landlord entry into tenant units; and to amend the Housing Title of the D.C. Municipal Regulations to ensure that any lease requirement regarding the tenant's notice of an intent to vacate is clear and conforms with existing law; to prohibit the housing provider from unreasonably withholding consent where the lease permits or does not prohibit subletting or lease assignment; and to provide tenants with damages when a landlord places or causes to be placed a prohibited provision in a lease in bad faith.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Residential Lease Omnibus Amendment Act of 2013".

Sec. 2. Prohibition on mandatory service and facility fees except as included in the rent charged.

Section 208 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Code § 42-3502.08), is amended by adding a new subsection (i) to read as follows:

"(i) A housing provider shall neither demand nor receive a mandatory fee for any service or facility except as included in the maximum rent charged. A housing provider who violates

1 this subsection shall be liable to the tenant for treble damages pursuant to section 901(a) of this  
2 Act.”.

3           Sec. 3. Tenant’s right to purchase after housing provider’s recovery of the premises for  
4 personal use and occupancy.

5           Section 501(d) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-  
6 10; D.C. Official Code § 42-3505.01(d)), is amended by striking the phrase “during the 12-  
7 month period beginning on the date the housing provider recovered possession of the rental  
8 unit.” and inserting in its place the phrase “during the 12-month period beginning on the date the  
9 housing provider recovered possession of the rental unit. Solely for purposes of the tenant’s  
10 right to purchase the unit under section 402 of the Rental Housing Conversion and Sale Act of  
11 1980, effective Sept. 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.02), the tenancy  
12 shall be deemed to continue for 12 months following the expiration of a notice to vacate issued  
13 pursuant to this subsection; provided that, the tenant has timely vacated the unit.”.

14           Sec. 4. Housing provider’s access to rental unit.

15           Title V of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C.  
16 Code § 42-3505.01 *et seq.*), is amended by adding a new section 509 to read as follows:

17           “(a) Except in the event of an emergency for the protection or preservation of the  
18 premises, the housing provider may enter the rental unit only for a reasonable purpose, at a  
19 reasonable time, and after having provided the tenant with reasonable notice.

20           “(b) A “reasonable time” shall mean between the hours of 8 a.m. and 6 p.m. or at another  
21 time agreed upon by the tenant. “Reasonable notice” shall mean notice in writing provided to  
22 the tenant at least 48 hours prior to the time the housing provider wishes to enter the unit.

1           “(c) Upon a showing by the tenant that the housing provider has entered the unit  
2 unreasonably or has repeatedly made unreasonable demands for entry, any court of competent  
3 jurisdiction may enjoin the housing provider from such behavior and may assess appropriate  
4 damages against the housing provider for breach of the tenant’s right to quiet enjoyment of the  
5 premises.”.

6           Sec. 5. Tenant notice of intention to vacate and restrictions on subletting or lease  
7 assignment.

8           Section 304 of Title 14 of the Housing Regulations of the District of Columbia, effective  
9 August 11, 1955 (C.O. 55-1503; 14 D.C.M.R. § 304), is amended as follows:

10           (a) Section 304 shall be retitled “Restrictions and Prohibited Waiver Clauses in Lease  
11 Agreements”.

12           (b) Subsection 304.5 shall be renumbered as subsection 304.8.

13           (c) A new subsection 304.5 shall be added to read as follows:

14                   “304.5(1) No owner shall place or cause to be placed in a lease or rental  
15 agreement a provision that requires the tenant to provide more than 30 days of notice to the  
16 housing provider of the tenant’s intention to vacate the premises during a tenancy from month to  
17 month.

18                   “304.5(2) Any provision that requires the tenant to provide more than 30 days of  
19 notice to the housing provider of the tenant’s intention to vacate the premises upon the expiration  
20 of the initial lease term shall be void and unenforceable unless:

21                           “(a) The lease explicitly states that such provision expires upon the  
22 expiration of the initial lease term, and that, unless the tenant agrees to sign a renewal lease, the

1 tenant thereafter has the right to vacate the premises upon 30 days of notice for so long as the  
2 tenant remains a tenant from month to month; and

3 “(b) At the time the lease is executed the tenant has initialed such  
4 provision and any related penalty provision.”.

5 (d) A new subsection 304.6 shall be added to read as follows:

6 “304.6 Where a lease provision requires the tenant to secure the housing provider’s  
7 consent before subletting the premises or assigning the lease, or where the lease is silent on the  
8 matter, the housing provider may not unreasonably withhold consent unless the lease expressly  
9 gives the housing provider an absolute right to do so.”.

10 (e) A new subsection 304.7 shall be added to read as follows:

11 “304.7 A housing provider found to have violated any provision of this section shall be  
12 liable to the tenant for treble damages if the housing provider is found to have acted in bad  
13 faith.”.

14 Sec. 6. Fiscal impact statement.

15 The Council adopts the fiscal impact statement in the committee report as the fiscal  
16 impact statement required by Section 602(c)(3) of the District of Columbia Home Rule Act.  
17 Approved December 24, 1973 (D.C. Official Code §1-206.02(c)(3)).

18 Sec. 7. Effective date.

19 This act shall take effect following approval by the Mayor (or in the event of veto by  
20 the Mayor, action by the Council to override the veto), and a 30-day period of congressional  
21 review as provided in Section 602(c)(1) of the District of Columbia Home Rule Act, approved  
22 December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206(c)(1)), and publication in the  
23 District of Columbia Register.