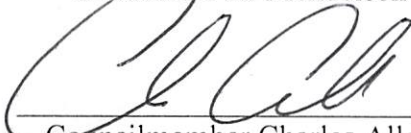


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Chairman Phil Mendelson



Councilmember Charles Allen



Councilmember Anita Bonds



Councilmember Trayon White, Sr.

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on an emergency basis, the Rental Housing Act of 1985 to prohibit the execution of residential evictions when the chance of precipitation is 50% or greater, to establish a tenant opt in process for the packaging, transportation, and storage of evicted tenants' personal property remaining in the rental unit, and clarify housing providers' civil liability with respect to personal property remaining in a rental unit after eviction; 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Eviction Reform Emergency Amendment Act of 2018".

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

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

(1) Strike the phrase "that the temperature at the National Airport weather station will fall below 32 degrees fahrenheit or 0 degrees centigrade within the next 24 hours." and insert the phrase "that within the next 24 hours:" in its place.

38 (2) A new paragraph (1) is added to read as follows:

39 “(1) The temperature at the National Airport weather station will fall below 32  
40 degrees Fahrenheit or 0 degrees centigrade; or

41 “(2) The chance of precipitation at the National Airport weather station is 50% or  
42 greater.”.

43 (b) A new section 501a is added to read as follows:

44 “Sec. 501a. Disposal of tenants’ personal property upon eviction.

45 “(a)(1) A housing provider may not remove a tenant’s personal property from a rental  
46 unit for the purposes of eviction except as provided in this section

47 (2) Subsections (d), (e), (f) of this section shall apply only if the tenant states in  
48 writing that the tenant wants those subsections to apply.

49 “(b)(1) In addition to any notification from the United States Marshal Service  
50 (“Marshals”) to the tenant of the date of eviction, the housing provider shall deliver to the tenant  
51 a notice confirming the date of eviction not less than 14 days prior to the date of eviction by  
52 telephone or electronic communication, including by email or mobile text message, and by first  
53 class mail to the address of the rental unit.

54 “(2) The notice provided in paragraph (1) of this subsection shall include notice  
55 that the tenant must elect to have subsections (d), (e), and (f) of this subsection apply.

56 “(c)(1) At the time of eviction, the housing provider shall change the locks on the rental  
57 unit in the presence of the United States Marshals Service (“Marshals”), at the housing  
58 provider’s expense, and take legal possession of the rental unit by receipt of a document from the  
59 Marshals, in a form to be determined by the court.

60                   “(2) Any right of the evicted tenant to redeem the tenancy shall be extinguished at  
61 the time of eviction.

62           “(d)(1) On the day of eviction, following receipt of legal possession of the rental unit, the  
63 housing provider shall, at the housing provider’s expense photograph each room of the rental  
64 unit.

65                   “(2)(A) The photographs taken pursuant to paragraph (1) of this subsection need  
66 not capture each item of personal property individually, but shall be sufficient in number and  
67 angles to capture all personal property in plain sight in each room and common space of the  
68 rental unit.

69                   “(B) The housing provider shall retain such photographs for 90 days and  
70 shall provide copies to the evicted tenant upon request.

71                   “(C) Nothing in this section may preclude a tenant from taking a  
72 photographic or written inventory of the personal property in the rental unit before the time of  
73 eviction.

74           “(e)(1) Within 5 court business days after an eviction, the housing provider shall, using  
75 reasonable care:

76                   “(A) Package for removal from the rental unit all of the evicted tenant’s  
77 personal property remaining in the rental unit; provided, that the housing provider may discard  
78 perishable items, unclean dishes, and garbage receptacles and their contents; and

79                   “(B) Transport and deliver the evicted tenant’s packaged remaining  
80 personal property to a District licensed or local- or state-government licensed storage facility  
81 within a 10-mile radius of the rental unit.

82                   “(2)(A) If the evicted tenant is present at the time of the eviction and the housing  
83 provider knows the storage facility to which the evicted tenant’s personal property will be  
84 delivered, the housing provider shall notify the evicted tenant of the storage facility’s location in  
85 writing at the time of eviction;

86                   “(B) If the evicted tenant is not present at the time of the eviction or the  
87 housing provider does not know the storage facility to which the personal property will be  
88 delivered, the housing provider shall, within 24 hours after the personal property is delivered to  
89 the storage facility, deliver notice to the evicted tenant of the storage facility’s location by  
90 telephone or electronic communication, including by email or mobile text message, and by first  
91 class mail to the address of the rental unit or to a forwarding address, if the evicted tenant has  
92 provided one.

93                   “(C) A housing provider shall maintain a written record of the location and  
94 contact information of the storage facility to which the evicted tenant’s personal property was  
95 delivered, and promptly respond to any inquiry from the evicted tenant about the location of the  
96 evicted tenant’s personal property.

97                   “(3) For purposes of this subsection, the term “reasonable care” means for:

98                   “(A) Breakable items such as dishes, placement in sealed boxes and does  
99 not require padding and wrapping of the such items;

100                   “(B) Unbreakable items such as clothing, placement in sealed boxes or  
101 bags; and

102                   “(C) Large items of furniture, such as sofas or dressers may be moved and  
103 stored without boxing, bagging or wrapping.

104           “(f)(1) The housing provider shall pay for the evicted tenant’s personal property to be  
105 stored for 30 days in an individualized storage unit secured by a combination padlock.

106                   “(2) Upon execution of a storage agreement with a storage facility, the housing  
107 provider shall have no further liability with respect to the evicted tenant’s personal property.

108                   “(3)(A) The housing provider shall ensure that the storage agreement permits the  
109 evicted tenant access to the storage unit for the purpose of retrieving the evicted tenant’s  
110 personal property during the storage facility’s normal hours of operation for 30 days after  
111 delivery of the personal property to the storage facility.

112                   “(B) The housing provider may only access the evicted tenant’s personal  
113 property at the storage facility in exigent circumstances at the request of the storage facility or to  
114 permit the evicted tenant access under this subsection.

115           “(g) Except as provided in this subsection, a licensed storage facility located in the  
116 District shall:

117                   “(1) Accept or reject personal property delivered to its facility for storage under  
118 section (d) and (e) of this section on terms equivalent to those provided to the general public;

119                   “(2) Permit a housing provider disposing of an evicted tenant’s personal property  
120 pursuant to this section to pay for 30 days’ storage in advance, without an additional charge for  
121 the method of such payment;

122                   “(3) Permit the evicted tenant to apply to assume payment for the continued  
123 storage of the tenant’s personal property on or before the expiration of the storage agreement  
124 with the housing provider on terms at least as favorable as those offered to the general public;  
125 and

126                   “(4) After 30 days, lawfully dispose of, at no additional cost to the housing  
127 provider, any personal property the evicted tenant fails to retrieve or for which the tenant fails to  
128 assume storage costs.

129                   “(h)(1) Nothing in this section shall obligate a storage facility to store property that it is  
130 not lawfully authorized to store.

131                   “(2) A housing provider may not be held liable for the loss or destruction of an  
132 evicted tenant’s personal property that a storage facility lawfully refuses to store.

133                   “(i) This section shall not apply to evictions carried out by the District of Columbia  
134 Housing Authority.

135                   “(j) Notwithstanding section 901, a housing provider shall be liable to the evicted tenant  
136 for civil damages where a housing provider’s violation of this section results in loss, damage, or  
137 destruction of an evicted tenant’s personal property, and shall be subject to a civil fine of at least  
138 \$100 and not more than \$5,000.

139                   “(k) For the purposes of this section, the term:

140                   “(1) “Personal property” does not include firearms; medical waste, substances that  
141 qualify as Schedule I drugs as determined by the United States Drug Enforcement Agency, or  
142 flammable, explosive, or other hazardous materials.

143                   “(2) “Time of eviction” means the time at which the Marshals execute a writ of  
144 restitution.”.

145                   Sec. 4. Non-residential evictions.

146                   (a) At the time of eviction, the landlord shall change the locks on the leased premises in  
147 the presence of the United States Marshals Service (“Marshals”), at the landlord’s expense, and

148 take legal possession of the leased premises by receipt of a document from the Marshals, in a  
149 form to be determined by the court.

150 (b) Any right by the evicted tenant to redeem the tenancy shall be extinguished at the  
151 time of eviction.

152 (c) Any personal property remaining in or about the leased premises at the time of  
153 eviction is deemed abandoned.

154 (c) The landlord shall dispose of any abandoned personal property by any lawful means  
155 of disposal.

156 (d) The landlord is prohibited from placing or causing the placement of abandoned personal  
157 property in an outdoor space other than a licensed disposal facility or lawful disposal receptacle;  
158 provided, that a landlord may place or cause abandoned property to be placed in an outdoor private  
159 or public space while in the process of transporting the property from the leased premises for  
160 disposal.

161 (e) The landlord and anyone acting on behalf of the landlord shall be immune from civil  
162 liability for loss or damage to the evicted tenant's abandoned property or claims related to its  
163 lawful disposal.

164 (f) For the purposes of this section, the terms

165 (2) "Time of eviction" means the time at which the Marshals execute a writ of  
166 restitution.

167 Sec. 5. Fiscal impact statement.

168 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
169 statement required by section 4a of the General Legislative Procedures Act of 1975, approved

170 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

171 Sec. 6. Effective date.

172 This act shall take effect following approval by the Mayor (or in the event of veto by the  
173 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
174 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
175 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
176 D.C. Official Code § 1-204.12(a)).