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3 Councilmember Anita Bonds


Chairman Phil Mendelson

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8 AN ACT
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13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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18 To amend, on an emergency basis, the Rental Housing Act of 1985 to prohibit the execution of
19 residential evictions during precipitation; to establish the eviction procedure and
20 requirements of a housing provider before, during, and immediately after a residential
21 eviction; to establish standards for the handling of an evicted tenant's personal property;
22 to clarify, in an eviction not subject to the Rental Housing Act, the legal status of an
23 evicted tenant's remaining personal property and a landlord's civil liability for such
24 property.
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26 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
27 act may be cited as the "Eviction Procedure Reform Emergency Amendment Act of 2018".

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

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

31 (1) Strike the phrase "tenant on any day when the National Weather Service
32 predicts at 8:00 a.m. that the temperature at the National Airport weather station will fall below
33 32 degrees Fahrenheit or 0 degrees centigrade within the next 24 hours." and insert the phrase
34 "tenant:" in its place.

35 (2) New subparagraphs (1) and (2) are added to read as follows:

36 “(1) On any day when the National Weather Service predicts at 8:00 a.m. that the
37 temperature at the National Airport weather station will fall below 32 degrees Fahrenheit or 0
38 degrees centigrade; or

39 “(2) When precipitation is falling at the location of the rental unit.”.

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

41 “Sec. 501a. Storage and disposal of tenants’ personal property upon eviction.

42 “(a) A housing provider shall not remove an evicted tenant’s personal property from a
43 rental unit except as provided in this section.

44 “(b)(1) In addition to any notification from the United States Marshals Service
45 (“Marshals”) to the tenant of the date of eviction, a housing provider shall deliver to the tenant a
46 notice confirming the date of eviction not less than 14 days before the date of eviction by using
47 the following methods:

48 “(A) Telephone or electronic communication, including by email or
49 mobile text message;

50 “(B) First-class mail to the address of the rental unit; and

51 “(C) Conspicuous posting at the tenant’s dwelling unit in a matter
52 reasonably calculated to provide notice.

53 “(2) The notice shall:

54 “(A) State the tenant’s name, and the address of the rental unit;

55 “(B) Specify the date on which the eviction is scheduled to be executed;

56 “(C) State that the eviction will be executed on that date unless the tenant
57 vacates the rental unit and returns control of the rental unit to the housing provider;

58 “(D) Prominently warn the tenant that any personal property left in the
59 rental unit will be considered abandoned 24 hours after the time of eviction unless the tenant
60 elects in writing prior to the time of eviction to have his or her personal property held for 7 days
61 after the time of eviction, excluding Sunday and federal holidays, following which time any such
62 personal property will be deemed abandoned;

63 “(E) Include the phone numbers of the U.S. Marshals Service, Office of
64 the Chief Tenant Advocate, and the District of Columbia Landlord Tenant Court; and

65 “(F) State that it is the final notice from the housing provider before the
66 time of eviction, even if the eviction date is postponed by the court or Marshals;

67 “(3) The notice provided for by this subsection shall include notice that the tenant
68 must elect in writing prior to the time of eviction to have his or her property remain in the rental
69 unit for 7 days, not including Sundays or federal holidays, if he or she so desires.

70 “(c)(1) At the time of eviction, the housing provider shall change the locks on the rental
71 unit in the presence of the Marshals, at the housing provider’s expense, and take legal possession
72 of the rental unit by receipt of a document from the Marshals.

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

75 “(d)(1) At the time of eviction, the housing provider shall send by first class mail, to the
76 address of an emergency contact, if provided, and conspicuously post in a matter reasonably

77 calculated to provide notice to the evicted tenant, a notice containing the following information:

78 “(A) The name and phone number of at least one housing provider
79 representative who tenant may contact and who can grant access to the rental unit on the housing
80 provider’s behalf pursuant to this subsection;

81 “(B) The phone number of the Office of the Chief Tenant Advocate;

82 “(C) The phone number of the United States Marshals Service;

83 “(D) The phone number of the District of Columbia Landlord Tenant

84 Court; and

85 “(E) The text of this subsection attached to, or made a part of, the notice.

86 “(2) Any personal property of the evicted tenant present in the rental unit at the
87 time of eviction shall remain in the rental unit for the 24 hours after the time of eviction, or if the
88 tenant elects in writing prior to the time of eviction, 7 days after the time of eviction, excluding
89 Sundays and federal holidays, unless removed by the evicted tenant pursuant to this subsection.

90 “(3) The housing provider shall maintain and exercise reasonable care in the
91 storage of the personal property of the evicted tenant during the period that the property remains
92 in the rental unit pursuant to this subsection.

93 “(4)(A) The housing provider shall grant the evicted tenant access to the rental
94 unit to remove his or her personal property during the period that the property remains in the
95 rental unit pursuant to this subsection. Access shall be for no less than 8 continuous hours at
96 times agreed to by the parties, without requiring payment of rent or service fees.

97 “(B) If the housing provider fails to grant access to the evicted tenant to
98 remove his or her personal property as provided in this paragraph, the evicted tenant shall have a
99 right to injunctive relief, including requiring the housing provider to grant access to the evicted
100 tenant at certain dates and times to retrieve his or her personal property and extending the period
101 during which the housing provider must store the evicted tenant’s personal property.

102 “(5) Any of the evicted tenant’s personal property remaining in the rental unit
103 upon expiration of the period that the property remains in the rental unit pursuant to this
104 subsection shall be deemed abandoned property.

105 “(6) The housing provider shall remove, or dispose of, any abandoned property in
106 the rental unit upon the expiration of the period that the property remains in the rental unit
107 pursuant to this subsection without any further notice or any other obligation to the evicted
108 tenant.

109 “(7) The housing provider shall dispose of any abandoned property in any manner
110 not prohibited by paragraph (8) of this subsection or expressly prohibited by law.

111 “(A) If the housing provider receives any funds from any sale of such
112 abandoned property, the housing provider shall pay such funds to the account of the evicted tenant
113 and apply any amounts due the housing provider by the evicted tenant, including the actual costs
114 incurred by the housing provider in the eviction process described in this section.

115 “(B) If any funds are remaining after application, the remaining funds shall
116 be treated as security deposit under applicable law.

117 “(8) The housing provider is prohibited from placing or causing the placement of

118 abandoned property in an outdoor space other than a lawful disposal receptacle; provided, that a
119 housing provider may place abandoned property or cause abandoned property to be placed in an
120 outdoor private or public space while in the process of transporting the property from the premises
121 for disposal.

122 “(9) An evicted tenant is prohibited from disposing of or causing the disposal of
123 personal property in an outdoor space other than a lawful disposal receptacle; provided, that an
124 evicted tenant may place personal property or cause personal property to be placed in an outdoor
125 private or public space while in the process of transporting the property from the premises.

126 “(e) For the purposes of this section, the term “time of eviction” means the time at which
127 the Marshals execute a writ of restitution.

128 “(f) This section shall not apply to evictions carried out by the District of Columbia
129 Housing Authority.

130 “(g) The housing provider and anyone acting on behalf of the housing provider shall be
131 immune from civil liability for loss or damage to the evicted tenant’s abandoned property or
132 claims related to its lawful disposal.

133 Sec. 3. Other Evictions.

134 (a) At the time of an eviction not subject to the Rental Housing Act of 1985, effective
135 July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), the landlord shall
136 change the locks on the leased premises in the presence of the United States Marshals Service
137 (“Marshals”), at the landlord’s expense, and take legal possession of the leased premises by
138 receipt of a document from the Marshals.

139 (b) Any right of the evicted tenant to redeem the tenancy shall be extinguished at the time
140 of eviction.

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

143 (d) The landlord shall dispose of any abandoned property in any manner not prohibited
144 by (e) or expressly prohibited by law.

145 (1) If the landlord receives any funds from any sale of such abandoned property,
146 the landlord shall pay such funds to the account of the evicted tenant and apply any amounts due
147 the landlord by the evicted tenant, including the actual costs incurred by the landlord in the
148 eviction process described in this section.

149 (2) If any funds are remaining after application, the remaining funds shall be
150 treated as security deposit under applicable law.

151 (e) The landlord is prohibited from placing or causing the placement of abandoned property
152 in an outdoor space other than a licensed disposal facility or lawful disposal receptacle; provided,
153 that a landlord may place abandoned property or cause abandoned property to be placed in an
154 outdoor private or public space while in the process of transporting the abandoned property from
155 the leased premises for disposal.

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

159 (g) For the purposes of this section, the term "time of eviction" means the time at which

160 the Marshals execute a writ of restitution.

161 Sec. 4. Repealer.

162 The Eviction Reform Emergency Amendment Act of 2018, passed on June 26, 2018

163 (Enrolled version of Bill 22- 864), is repealed.

164 Sec. 5. Applicability.

165 This act shall apply as of July 9, 2018.

166 Sec. 6. Fiscal impact statement.

167 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact

168 statement required by section 4a of the General Legislative Procedures Act of 1975, approved

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

170 Sec. 7. Effective date.

171 This act shall take effect following approval by the Mayor (or in the event of veto by the

172 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

173 90 days, as provided for emergency acts of the Council of the District of Columbia in section

174 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;

175 D.C. Official Code § 1-204.12(a)).