

Government of the District of Columbia Advisory Neighborhood Commission 4B



[DRAFT] RESOLUTION #4B-24-0101

**Supporting and Providing Feedback on B25-0574,
the Do Right by DC Tenants Amendment Act of 2023
Adopted January 22, 2024**

Advisory Neighborhood Commission 4B takes note of the following:

- On November 15, 2023, Councilmember Janeese Lewis George (Ward 4) introduced [B25-0574](#), the Do Right by DC Tenants Amendment Act of 2023. Councilmembers Matthew Frumin (Ward 3), Trayon White, Sr. (Ward 8), Charles Allen (Ward 6), Anita Bonds (At-Large), and Vincent C. Gray (Ward 7) co-introduced the proposed legislation. The proposed legislation has been referred to the DC Council's Committee on Public Works and Operations and Committee of the Whole. An earlier version of this proposed legislation was introduced by former Councilmember Elissa Silverman (At-Large) in 2017.
- The Do Right by DC Tenants Amendment Act would prevent any individual or business from obtaining a new basic business license or building permit if anyone in the ownership structure has received more than five Class 1 or Class 2 housing code violations in a 12-month period. Class 1 and 2 infractions are [egregious housing code violations](#) that are an "imminent danger to the health or safety of any tenant," including interruption of electrical, heat, gas, water, or other essential services when the interruption results from other than natural causes; structurally unsound foundations; inoperable fire alarms and smoke detectors; inadequate heating and ventilation systems; and failure to comply with occupancy requirements. A license or permit subsequently may be issued where all infractions have been cured and at least 12 months has passed since curing the last infraction.
- The proposed legislation seeks to hold property owners who are bad actors accountable by preventing them from renting out additional units before fixing existing housing code violations. As [stated](#) by Councilmember Lewis George: "For too long, a small group of landlords has been able to profit by buying up rental properties in DC and then charging high rents while neglecting building maintenance and

security. We need to protect tenants in DC by preventing neglectful landlords from expanding their foothold in our communities.”

- A representative from Councilmember Lewis George’s office attended the January 3, 2024, meeting of Advisory Neighborhood Commission 4B’s Housing Justice Committee to discuss the proposed legislation and answer questions. Members of the Committee asked about the number and class of violations, as well as the time period over which they must occur to better understand the contours of the proposed legislation. Some violations outside of Class 1 and Class 2 may also warrant greater accountability, such as the Class 3 violation for renting or offering to rent a habitation that is not clean, safe, and free of vermin and rodents and the Class 3 violation for failing to provide and maintain the required facilities, utilities, and services, particularly if persistent.
- As Commissioners have regularly experienced, one of the challenges associated with holding accountable property owners who are bad actors is their ability to create new, single-purpose limited liability corporations with each building acquisition. An existing law – the [Real Estate LLC Transparency Amendment Act of 2018](#) (included in [the Department of Consumer and Regulatory Affairs Omnibus Amendment Act of 2018](#)) – aims to address this issue by requiring transparency regarding the name, residence, and business address of each person with a ten percent ownership interest or less than a ten percent ownership interest but who controls the financial or operational decisions or has the ability to direct the day-to-day operations of the entity. This law is [generally not enforced](#), in part due to staffing challenges, making it impossible to track bad actors and hold them accountable. The Commission understands recently added staffing may assist in enforcement of this legislation moving forward.
- Another challenge is the District Department of Buildings’ low rate of issuing citations for building code violations. As related to the Do Right by DC Tenants Amendment Act, the relevant enforcement mechanism only kicks in if citations are being issued for housing code violations. Recent legislation addressing [proactive inspections](#) may go some way toward addressing this challenge, although it is also likely to be an issue of workplace culture within the District Department of Buildings that requires intentional oversight and accountability.
- Furthermore, the District government itself perpetuates profit-making for property owners who are bad actors and substandard housing conditions by choosing to house individuals and families in buildings with significant housing code violations. Recent reporting revealed that [11 families in the District’s rapid rehousing program were displaced when their building with 59 unabated housing code violations caught fire](#). These families struggle with finding a better place to live due to a number of challenges with the existing procedures, and must choose between substandard housing conditions or no housing at all. In addition to

preventing property owners from moving on to new buildings and new tenants, the District government must address existing buildings with significant outstanding housing code violations and, at a minimum, ensure the DC government is not doing business with these property owners in housing individuals and families and providing services.

RESOLVED:

- That Advisory Neighborhood Commission 4B supports [B25-0574](#), the Do Right by DC Tenants Amendment Act of 2023, including efforts to hold property owners that are bad actors accountable, and calls on the DC Council's Committee on Public Works and Operations and Committee of the Whole to promptly hold hearings on the proposed legislation and move it forward for a vote. The Commission calls for consideration of this legislation as part of broader efforts to address housing code violations, including via the Committee of the Whole's January 18, 2024, hearing and relevant report on [the District's Rent al Housing Code Inspection Process](#), as well as any legislation or additional oversight that comes out of that hearing.
- That Advisory Neighborhood Commission 4B calls on the DC Council, including the Committee on Public Works and Operations and Committee of the Whole, to consider the following with regard to the proposed legislation:
 - receiving testimony from experts, housing organizations, and tenants about the nature and scope of housing code violations to determine the number and class of violations, as well as relevant timeframe, that trigger the accountability mechanism in this proposed legislation;
 - considering and ensuring conformity with [B25-0048](#), the Proactive Inspection Program Act of 2023, and this proposed legislation's public health approach and factors considered in classifying properties for proactive inspections;
 - putting guardrails on the opportunity to cure violations to limit self-certification, require tenant notification, and ensure violations are meaningfully cured;
 - considering the interrelationship among this proposal, the District's existing clean hands law, and the Real Estate LLC Transparency Amendment Act of 2018 to ensure a cohesive approach to preventing property owners with multiple housing code violations from renting new units; and
 - conducting oversight to ensure the government itself is not doing business with property owners who are bad actors, a persistent problem for the District's rapid re-housing program, including

through oversight via the Committee on Housing and engaging with the District Department of Human Services in consideration of this proposed legislation.

- That Advisory Neighborhood Commission 4B calls on the DC Council, including the Committee on Public Works and Operations and Committee of the Whole, to continue to assess the reasons for lack of implementation of LLC transparency and work with the District Department of Buildings to ensure faithful implementation of the law, whether via staffing, funding, technology, or some other mechanism.

FURTHER RESOLVED:

That the Commission designates Commissioner Erin Palmer, ANC 4B02, Commissioner Evan Yeats, ANC 4B01, Commissioner Alison Brooks, ANC 4B08, and Commissioner Zurick T. Smith, ANC 4B03, to represent the Commission in all matters relating to this Resolution.

FURTHER RESOLVED:

That, in the event the designated representative Commissioners cannot carry out their representative duties for any reason, the Commission authorizes the Chair to designate another Commissioner to represent the Commission in all matter relating to this Resolution.

FURTHER RESOLVED:

That, consistent with DC Code § 1-309, only actions of the full Commission voting in a properly noticed public meeting have standing and carry great weight. The actions, positions, and opinions of individual commissioners, insofar as they may be contradictory to or otherwise inconsistent with the expressed position of the full Commission in a properly adopted resolution or letter, have no standing and cannot be considered as in any way associated with the Commission.

ADOPTED by voice vote at a regular public meeting (notice of which was properly given, and at which a quorum of _ members was present) on January 22, 2024, by a vote of _ yes, _ no, _ abstentions.