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Councilmember Mary M. Cheh

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

To permit tenants to bring a civil action against a housing provider in the Landlord and Tenant Branch of the Superior Court of the District of Columbia for failure to maintain a rental unit or the common areas of a housing accommodation in compliance with the District’s housing regulations, and to provide any person the right to acquire an inspection report within 2 days following a request.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the “Tenant Access to Justice Reform Act of 2009”.

Sec. 2. Definitions.

The terms “tenant”, “housing provider”, “rental unit”, and “housing accommodation” shall have the same definitions, respectively, as set forth in section 103 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.03).

Sec. 3. Complaint.

(a) Any tenant who claims that the housing provider has failed to maintain the rental unit or common areas of a housing accommodation in compliance with Title 14 of the District of Columbia Municipal Regulations, Chapters 1 through

1 13, may institute an action in the Landlord and Tenant Branch of Superior Court
2 of the District of Columbia to obtain the relief authorized by this section.

3 (b) The action shall be instituted by filing a verified complaint with the
4 clerk of the court. In the complaint, the plaintiff shall:

5 (1) Provide the name of the tenant;

6 (2) Provide the name of the housing provider;

7 (3) Provide the address of the premises;

8 (4) Explain the nature of the alleged violation, or that the housing
9 provider failed to abate violations in a workmanlike manner;

10 (5) Provide the dates when rent is due under the rental agreement
11 and the amount due on such dates;

12 (6) Attest that the plaintiff notified the housing provider by
13 certified mail of the violations, whether officially cited or not, and that the
14 housing provider failed to repair the violation within a reasonable time; and

15 (7) Attest that the violations are not the result of neglect or
16 misconduct by the plaintiff, any member of the plaintiff's household, or any guest
17 or invitee of any member of the plaintiff's household.

18 (c) The requirements of paragraphs (6) and (7) of subsection (b) shall not
19 apply where the complaint alleges violations which threaten the life or health of
20 the residing tenants. Life or health-threatening violations include the interruption
21 of electrical, heat, gas, water, or other essential services, and any other condition
22 that imminently endangers the health or safety of the tenant or occupant of the
23 premises in a rental unit or housing accommodation.

1 (d) The court shall establish the fee for complaints filed pursuant to this
2 act. The fee shall not exceed the amount charged for the filing of a complaint for
3 possession in the Landlord and Tenant Branch. The filing fee may be waived in
4 accordance with section 703 of the “Fiscal Year 1998 Revised Budget Support
5 Act of 1997,” effective March 20, 1998 (D.C. Law 12-60).

6 (e) Upon the filing of the complaint, the clerk of the court shall promptly
7 schedule a hearing to be held not more than 28 days after the filing of the
8 complaint.

9 Sec. 4. Notice.

10 The Superior Court shall establish the procedures for providing service of
11 notice to a housing provider.

12 Sec. 5. Relief.

13 The court may order interim or final relief including the following:

14 (1) A temporary restraining order, preliminary injunction, or
15 permanent injunction compelling the housing provider to comply with its duties
16 under District of Columbia law;

17 (2) A monetary judgment in favor of the tenant representing a
18 retroactive abatement of rent paid to the housing provider during the period that
19 the premises failed to comply with the Title 14 of the District of Columbia
20 Municipal Regulations, Chapters 1 through 13;

21 (3) A prospective abatement of rent until such time as the housing
22 provider remedies the violations of the Title 14 of the District of Columbia
23 Municipal Regulations, Chapters 1 through 13; or

24 (4) Such other relief in law or equity as the court may deem proper.

1 Sec. 6. Inspections reports.

2 (a) A report of any housing inspection conducted by any District agency,
3 certified as a true copy by the custodian of the records of the agency, shall be
4 admissible in any proceeding brought under this act without further
5 authentication, and shall be prima facie evidence of the facts stated therein.

6 (b) Any person shall have a right to a certified copy of any housing
7 inspections report prepared by a District agency. The certified copy shall be made
8 available to any person within 2 days following receipt of request from that
9 person.

10 Sec. 7. Construction with other laws.

11 This shall not be construed to limit or restrict in any way any rights or
12 remedies which may be available to a tenant under any other law.

13 Sec. 8. Fiscal impact statement.

14 The Council adopts the fiscal impact statement in the committee report as the
15 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
16 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
17 206.02(c)(3)).

18 Sec. 9. Effective date.

19 This act shall take effect following approval by the Mayor (or in the event of veto
20 by the Mayor, action by the Council to override the veto), a 30-day period of
21 Congressional review as provided in section 602(c)(1) of the District of Columbia Home
22 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
23 206.02(c)(1)), and publication in the District of Columbia Register.