

Dear Councilmembers:

We work with tenants across the District who are facing eviction, searching for safe and affordable housing, navigating the homeless services system, and seeking health care, employment, and education for their families. We are writing to share our request to amend the Eviction and Utility Moratorium Phasing Emergency Amendment Act of 2021.

Eviction should always be a last resort, because of the devastating consequences that it has for families and communities, as well as the costs it imposes on landlords and safety net systems. We believe the current proposal inevitably will result in preventable evictions. **We are asking the Council to provide more time before the eviction process restarts.** The Council also should adopt **several specific amendments**, described below, to ensure tenants' rights are protected and unnecessary evictions are avoided as evictions restart.

The Council should take a clear public stand that the public health emergency, or at the very least eviction protections tied to it, should be extended. Throughout the pandemic, we have advocated for the Council to maintain a moratorium on all stages of the eviction process until the public health emergency is over. We understand the Mayor no longer plans to extend the public health emergency, but the public emergency declaration is likely to be extended. With unemployment still at high levels and vaccination still underway, especially for Black and Brown residents, now is not the time to end public health protections that have saved lives. The proposed, extended public emergency period through October 8, 2021 plus 60 days should be a minimum for all eviction protections. The earliest start dates for various steps in the eviction process should be extended at least 30 to 60 additional days later than those proposed in the bill.

Allowing nonpayment of rent evictions to proceed without fixing STAY DC or funding ERAP will result in preventable evictions. Despite landlords and tenants sharing numerous problems with STAY DC at hearings and working group meetings, many issues have not been fixed. Remaining problems not addressed by this bill include restrictions on self-certification, lack of a clear appeal process, language access, and limited plans for outreach and partnering with community-based organizations. As the [Washington Post](#) highlighted this weekend, many tenants are continuing to struggle to complete STAY DC applications because of these barriers, and the bill does not protect tenants who have attempted but been unable to submit applications. Meanwhile, ERAP is out of money, and providers will not have new Fiscal Year 2022 funds in place until the end of October or later, funds that will be critical for families with rent balances that are not eligible for STAY DC. More time is needed to address these issues.

We support provisions in the bill to expand tenant protections. Several of our organizations participated in the working group convened by Chairman Mendelson to discuss STAY DC and the eviction moratorium. While the bill is not a consensus document, it includes many of our recommendations – important changes that ultimately should be made permanent.

These include requiring landlords to apply for rental assistance first, allowing time for tenants to complete applications and have them approved, and strengthening pre-court notice requirements.

Other targeted changes are needed to ensure tenants' rights are protected and unnecessary evictions are avoided. In addition to our significant concerns about timing, we recommend several targeted changes to reduce the risk of unnecessary evictions:

1. Make clear that the Court must dismiss cases that do not meet the law's requirements. Even if a tenant defaults or fails to raise defenses, the Court should dismiss a case immediately if the landlord has not followed all of the law's new requirements.
2. Make clear that the Court must continue a case if a tenant has attempted to apply for STAY DC and needs more time. A tenant who has attempted but been unable to complete a STAY DC application should get more time to submit their application, by adding a requirement for the Court to continue the case for at least 30 days.
3. Remove or further tighten the exception for property damage claims. We oppose this exception. If it is included, tenants should receive the same protections as under the public safety exception, with referrals to services and an offer of alternative housing.
4. Ensure all pre-court notices have clear, non-threatening language. To prevent tenants from moving out early due to fear or harassment, all notices should include standard, non-threatening language emphasizing that tenants do not have to vacate and can take steps to avoid eviction.

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