

OTA

OFFICE OF THE TENANT ADVOCATE
FY 2012 ANNUAL REPORT



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\LETTER TO THE MAYOR & COUNCIL OF THE DISTRICT OF COLUMBIA\

On behalf of the D.C. Office of the Tenant Advocate, I am pleased to submit the OTA's sixth annual report to Mayor Vincent C. Gray and the Council of the District of Columbia.

The agency accomplishments outlined in this report could not have been achieved without the hard work and dedication of the entire OTA team of fourteen (14) employees. In each year of the OTA's existence, including this past year, the number of District renters impacted by OTA's programs and services has increased. We have consistently set and achieved goals in each of our mission areas -- community outreach and education, policy advocacy, legal representation, and emergency housing -- including expanding our reach into all parts of the tenant community.

By "going virtual" with case management and other programmatic areas, and by expanding outreach tools to keep pace with technology, we have achieved greater levels of transparency and also improved our daily operations. For example, we now store and maintain all vital case-intake records on a searchable database, which vastly improves our response time when our help is sought either directly or through government colleagues. We are now literally in the "CLOUDS."

I hope you find that the data in this report provides insight not only into the workings of the OTA, but also into the need to improve and refine the District's tenant protection policies and programs. In the policy realm, we helped draft legislation, or provided recommendations to the Council and the Mayor's Office, regarding an ever-widening range of legislative and regulatory matters. They include making recommendations to sister agencies regarding proposed rulemakings that impact the tenant community, and becoming a voting member of the Construction Code Coordinating Board's Technical Advisory Group for "Property Maintenance."

The addition of two attorneys to the OTA's legal team, and our partnership with legal service providers, helped us tremendously in meeting our legal representation goals. The OTA Tenant Hotline program -- initially designed as a standard telephone response and on-line "Ask The Director" forum -- was expanded this year to include "Live OTA On-Line Chats," a monthly service that by itself has resulted in a drastic increase in visits to the OTA website. Through our use of social media, we now have over eight thousand agency followers and counting.

We formally established the "Tenant Education Institute" to advance the agency's education and outreach mission, and visited all eight (8) wards to conduct educational workshops. Attendance at the OTA Annual Summit continues to grow, and our monthly stakeholder meetings -- featuring guest speakers from the Council, sister agencies, and policy organizations -- continue to be well-attended.

I am very pleased with the agency's continued growth, which is only possible with the support of our partners in government and in the community, whom I thank. With more and more tenants finding that they have a home at the OTA, I believe the OTA train is on the right track.



Johanna Shreve
Chief Tenant Advocate
D.C. Office of the Tenant Advocate

"The achievements of an organization are the results of the combined effort of each individual."
Vincent Thomas

\ABOUT THE OTA\

MISSION STATEMENT

The mission of the Office of the Tenant Advocate (OTA) is to provide technical advice and other legal services to tenants regarding disputes with landlords; to educate and inform the tenant community about tenant rights and rental housing matters; to advocate for the rights and interests of District renters in the legislative, regulatory, and judicial contexts; and to provide financial assistance to displaced tenants for certain emergency housing and tenant relocation expenses.

OTA BY PROGRAM

AGENCY MANAGEMENT (PROGRAM 1000)

Agency Management: OTA's non-programmatic activities have a direct bearing on the quality of information and services provided to the public. They include: human resource development; contracting and procurement; property management; information technology; budget and financial services; security and risk management; communications; customer service; language access; small and local business compliance monitoring; public relations.

LEGAL REPRESENTATION (PROGRAM 3000)

OTA provides in-house representation for tenants in certain cases, and refers other cases to pro bono or contracted legal service providers and attorneys.

POLICY ADVOCACY (PROGRAM 4000)

OTA works with other governmental and non-governmental officials and entities, including the DC Council, the Mayor's office, executive agencies, the courts, tenant stakeholders, advocates, and others, to promote better tenant protection laws and policies in the District.

EDUCATIONAL INSTITUTE (PROGRAM 5000)

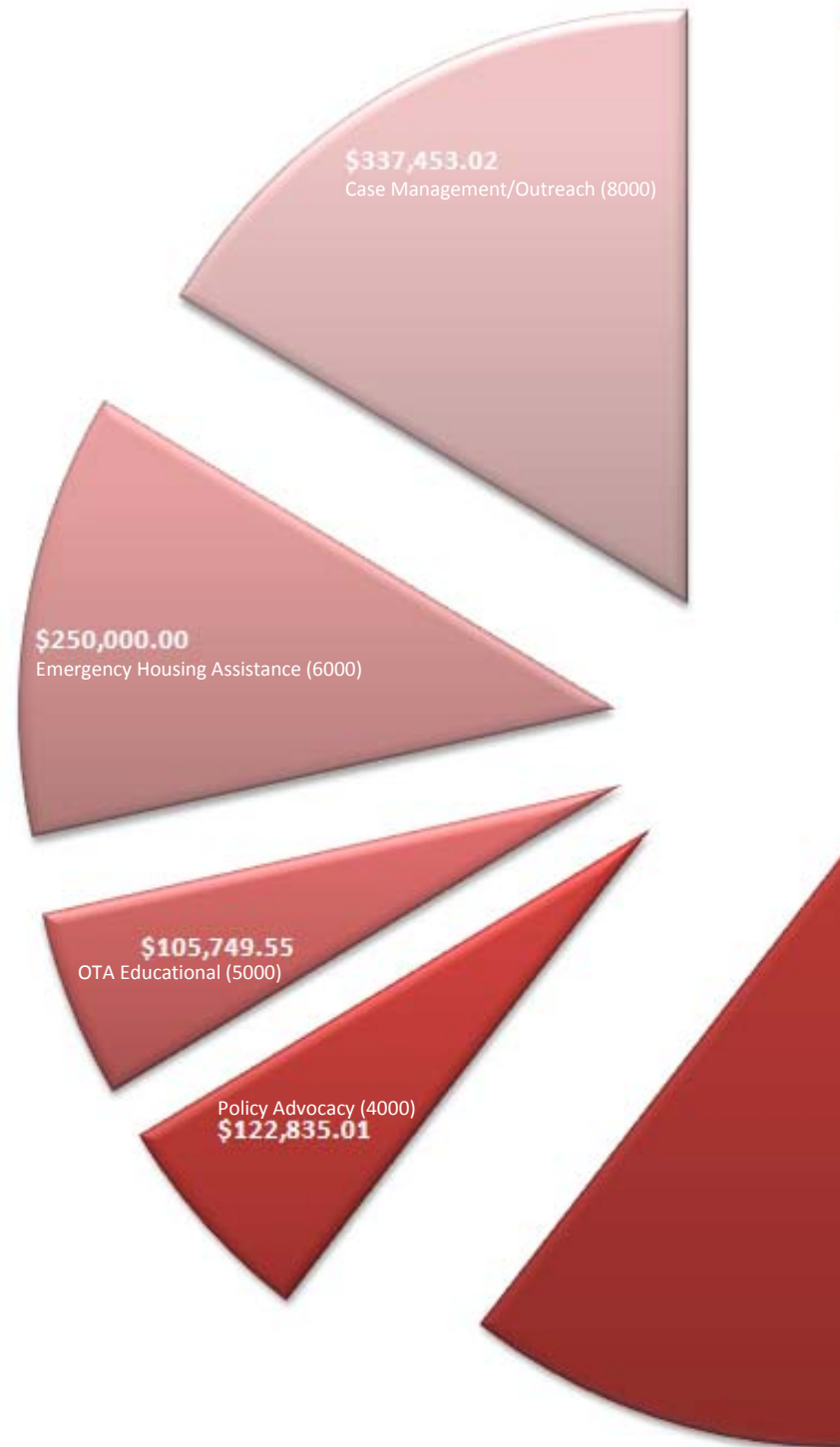
OTA conducts educational seminars in a variety of contexts to inform tenants about their rights and other rental housing concerns.

EMERGENCY HOUSING (PROGRAM 6000)

OTA administers financial assistance to tenants throughout the District of Columbia who are temporarily displaced due to unforeseen events such as fire, flood, sewer backup or government closure.

CASE MANAGEMENT & COMMUNITY OUTREACH (PROGRAM 8000)

OTA provides advice, analysis, and technical assistance to tenants regarding rental housing disputes with landlords.



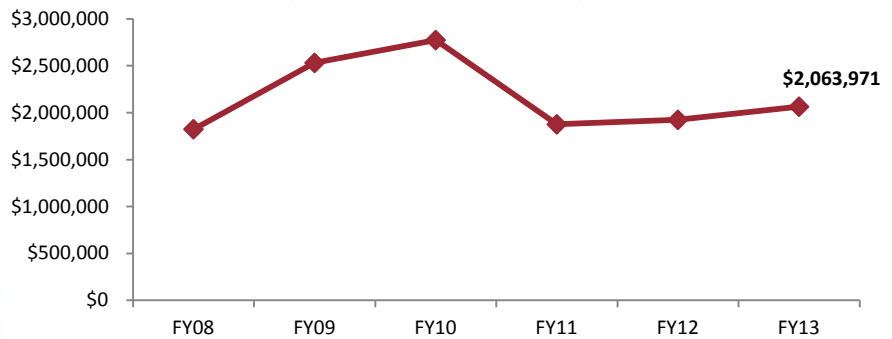
\BUDGET OVERVIEW\

FY 2013 APPROVED BUDGET (BY PROGRAM)

Program	FTEs	Total PS	Total NPS	Total
1000- Agency Management	4	\$373,913.76	\$49,953.00	\$423,866.76
3000 - Legal Representation	5	\$512,471.11	\$311,595.37	\$824,066.48
4000 - Policy Advocacy	1	\$120,835.01	\$2,000.00	\$122,835.01
5000 - OTA Educational Inst.	1	\$67,135.55	\$38,614.00	\$105,749.55
6000 - Emergency Housing	0	\$0.00	\$250,000.00	\$250,000.00
8000 - Case Mngt Adm	4	\$272,433.02	\$65,020.00	\$337,453.02
Total	15	\$1,346,788.45	\$717,182.37	\$2,063,970.82

\$423,866.76
Agency Management (1000)

HISTORICAL ANALYSIS (BUDGET OVER 6 YEARS)



HISTORICAL ANALYSIS PS/NPS

PS/NPS	FY08	FY09	FY10	FY11	FY12	FY13
01 (PS) Total	\$688,187	\$1,218,090	\$1,234,236	\$1,183,405	\$1,126,381	\$1,346,788
02 (NPS) Total	\$1,135,847	\$1,312,262	\$1,539,552	\$692,790	\$797,390	\$717,182
Grand Total	\$1,824,034	\$2,530,352	\$2,773,788	\$1,876,195	\$1,923,771	\$2,063,971

\$824,066.48
Legal Representation (3000)

FY 13 APPROVED BUDGET BY PROGRAM

\CASE MANAGEMENT ADMIN & COMMUNITY OUTREACH\

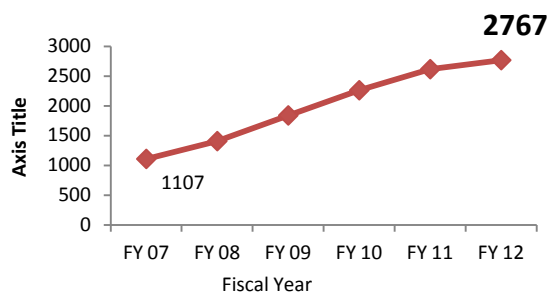


Each day brings new clients, issues and information to the Agency. The Agency’s move to Cloud computing has increased efficiency in the areas of data collection and storage of tenant information. Retrieving data from tenant files is now a seamless process that allows staff to respond to a tenant’s questions about their case in record time. The OTA can literally say that it now operates in the “CLOUDs.”

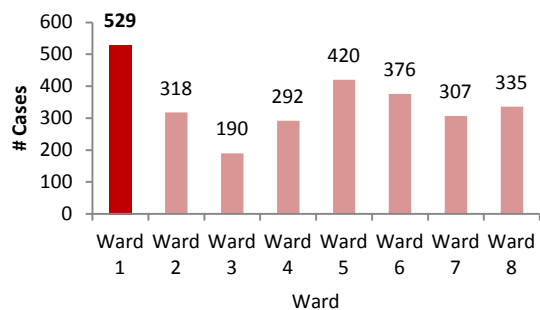
\CLIENT INTAKE MANAGEMENT\

The OTA provides advice, analysis, and technical assistance to tenants regarding rental housing disputes with landlords. The OTA handled 2,767 separate cases this past year through the intake process. This caseload represents an increase of 5.8 percent over the previous year [See Case Growth graph]. More tenant intake cases came from Ward 1 than any other Ward (529 or 19.1 percent of all intake cases District-wide). Ward 3 accounted for the fewest (190 or 6.9 percent) [See Intake Cases by Ward]. A total of 1,606 tenant cases involved **housing code violations** in the fiscal year. They consisted of issues concerning heating, lighting, and venting; facilities utilities, and fixtures; construction, maintenance, and repair; clean, safe and sanitary homes; and safety issues.

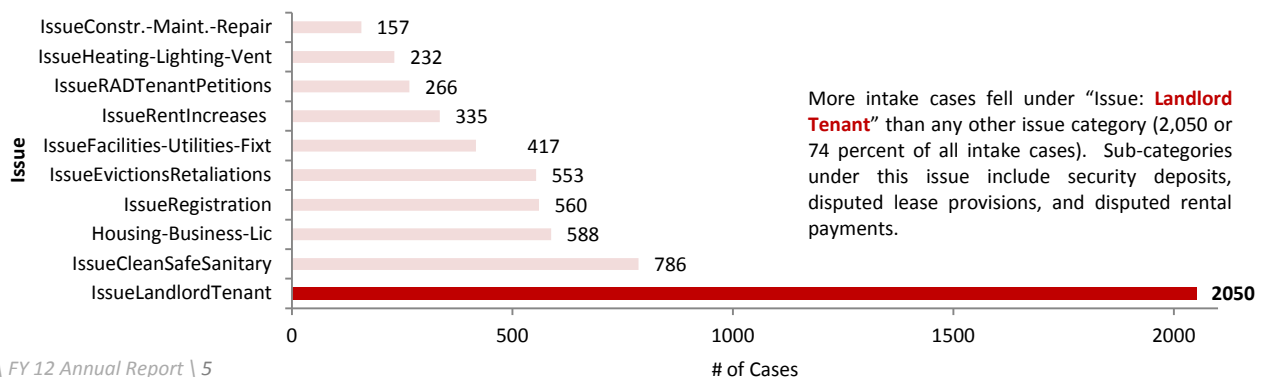
CASE GROWTH (6 YEARS)



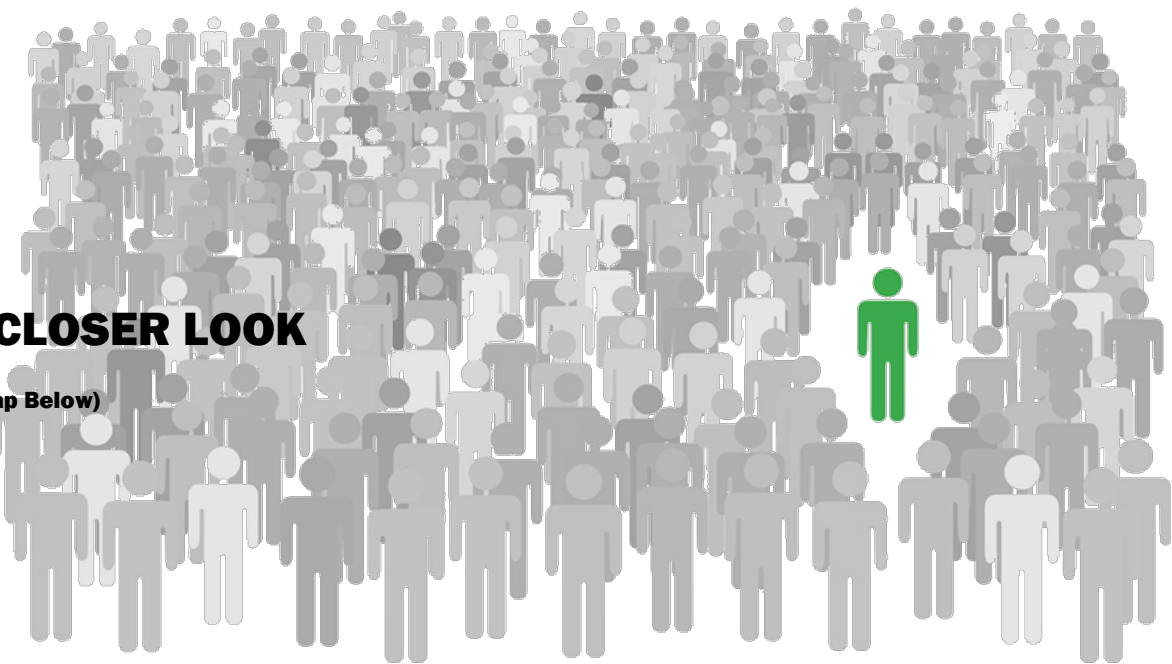
INTAKE CASES BY WARD: A Comparison



TENANT ISSUES: A Comparison



More intake cases fell under “Issue: **Landlord Tenant**” than any other issue category (2,050 or 74 percent of all intake cases). Sub-categories under this issue include security deposits, disputed lease provisions, and disputed rental payments.



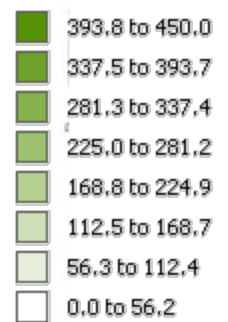
THE CLIENT: A CLOSER LOOK

Average age: **44.3**
 Where are they? (Look at Map Below)
 Receives Subsidy: **15%**
 Family Size: **2.2**



WHERE DO THEY COME FROM?

Map shows **distribution by zip code** of rental unit addresses that have gone through OTA client intake procedure. Shading based on # of Cases in the respective zip code. Refer to key below:



The Client: A Closer Look and Where Do They Come From are based on a sample of 1,000 intake cases and projected to the full 2767 for the year. Please note that a zip code map and ward map naturally show different distributions due to the fact that some zip codes overlap into more than one ward.

\Housing Provider Petitions and the Erosion of the District's Affordable Housing Stock\

Rent control has existed in the District of Columbia for as long as we have had Home Rule. The essential rationale for rent control can be found in the Rental Housing Act's legislative findings (D.C. Code §42-3501.01). They include the findings that there is "a severe shortage of rental housing available to citizens of the District" and that this shortage is "felt most acutely among low- and moderate-income renters." But the Council also found that "many small housing providers are experiencing financial difficulties and are in need of some special mechanisms to assist them and their tenants."

Thus, the Council conceived of a rent stabilization program that would balance the competing interests of affordability on the one hand, and profitability and viability on the other hand. Among the enumerated purposes of the Act -- "to protect low- and moderate-income tenants from the erosion of their income from increased housing costs"; and "to prevent the erosion of moderately priced rental housing while providing housing providers and developers with a reasonable rate of return on their investments" (D.C. Code §42-3501.02).

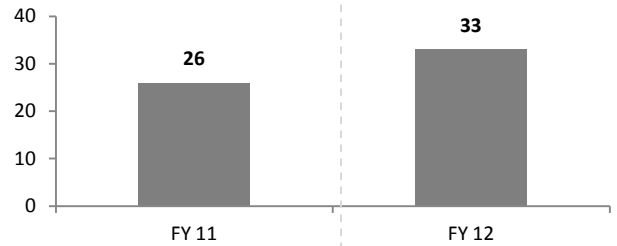
Accordingly, the District's rent control program imposes limitations on a standard annual rent increase, but it also permits the landlord to petition for larger rent increases for any one of five specific purposes: capital improvements; increases in services and facilities; hardship (now defined as rental revenue that provides less than a twelve (12) percent return on equity, where it had been six (6) percent, then eight (8) percent, then ten (10) percent); substantial rehabilitation; and the "Seventy Percent Voluntary Agreement." (D.C. Code §42-3502.10 - .15)

Today the purposes of the Act are as valid and as compelling as ever. But it is also becoming ever harder to deny that housing provider petitions can and do contribute to the erosion of the affordable housing stock, and the erosion of low and moderate incomes. The rent control law was significantly amended in 2006 to abolish rent ceilings, which had begun to render the very concept of rent control meaningless. It was evident then, and it has only become more evident since then, that the Council would need to revisit the rent control law and the issue of housing provider petitions for the same reason. The challenge is to assess how the current use of housing provider petitions upset the Act's careful balancing of competing interests, to determine how best to restore that balance, and to thereby better preserve affordable housing for the majority of District residents who are moderate or low-income renters.

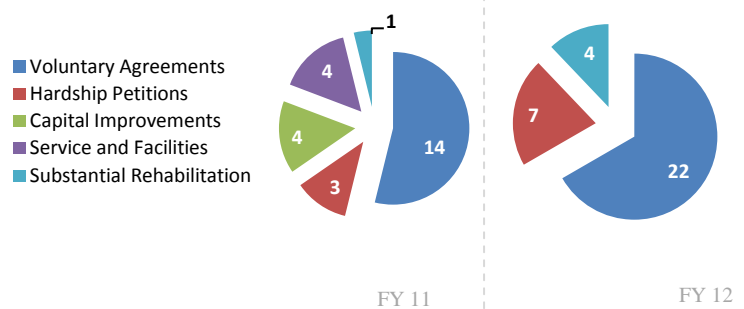
The OTA has engaged colleagues throughout D.C. government and the rental housing community to pursue recommendations in as collaborative a manner as possible. We invite you to join the discussion.

\A Look at Housing Provider Data in FY 11 Vs. FY 12\

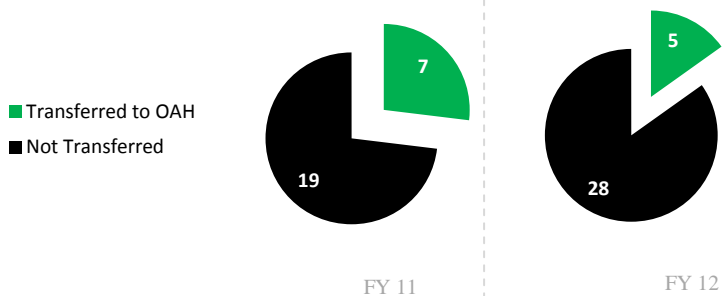
HOUSING PROVIDER PETITIONS FILED



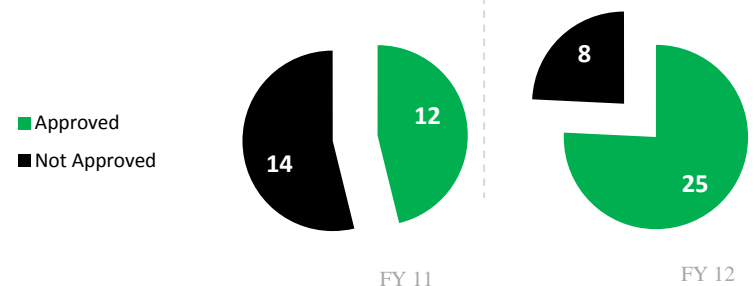
PETITIONS FILED BY TYPE



PETITIONS TRANSFERRED TO OAH



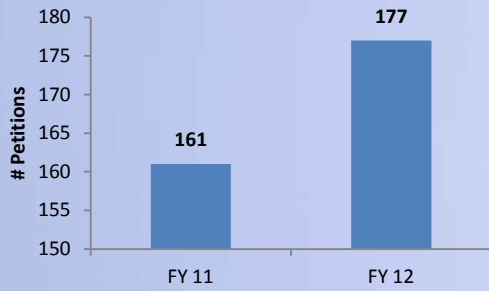
PETITIONS APPROVED VS DENIED



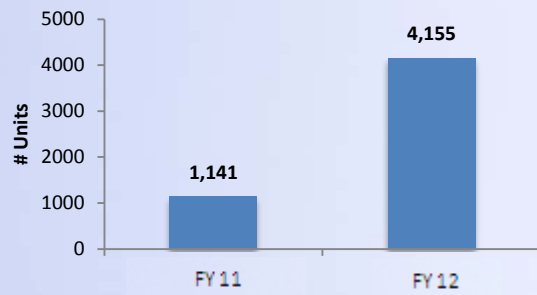
RAPID RESPONSE PROGRAM

The OTA is proactively engaged in a rapid response program that is responsible for educating and informing tenants in relation to matters of foreclosure; preventions of illegal evictions; Tenant Right to Purchase Act (TOPA); housing provider petitions; tenant petitions; and OAH mediation and hearings. The following graphs show the volume of outreach provided concerning each of these matters—

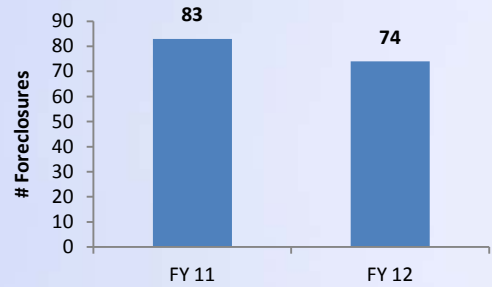
TENANT PETITIONS FILED



TOPA – OFFERS OF SALE (Units Involved)



FORECLOSURE



\CASE MANAGEMENT ADMIN & COMMUNITY OUTREACH\

\OTA ON THE WEB\

In FY 12 there was a dramatic increase in traffic to the OTA website. An average of 118 people visited the website daily accounting for **137,970 page views**, a 126% increase from FY 09. The tenant community has increasingly relied on the OTA website for learning tenant rights, downloading educational materials, requesting workshops, asking tenant related questions, and staying abreast of news and events concerning the tenant community. As the public moves increasingly towards the web to find answers, the OTA is constantly improving the web experience for the tenant community.

WEB REDESIGN PROJECT

In FY 12, the OTA successfully **launched a new website** as part of the District-wide Web Redesign Project 2.0, allowing for the following: (1) An overall more user-friendly and citizen-centric web layout and experience; (2) more frequent content updates; (3) more graphics (4) a web experience aligned with the growth of hand held devices; among many other benefits.

BECOME A MEMBER

The tenant community can now log onto to the OTA website and click "Become a Member" to receive emails for tenant related news updates, citywide event notices, stakeholder meeting information, tenant rights matters, and volunteer opportunities.

TENANT HOTLINE ONLINE

In FY 12, the OTA received **218** inquiries through "Ask the Director" (ATD). By the end of the first quarter of FY 13 alone, 216 inquiries had already been received. Due to the growing demand for online Q&A, the OTA expanded the Tenant Hotline Program to allow for "live" online interaction with tenant community through the creation of OTA Live Q&A.

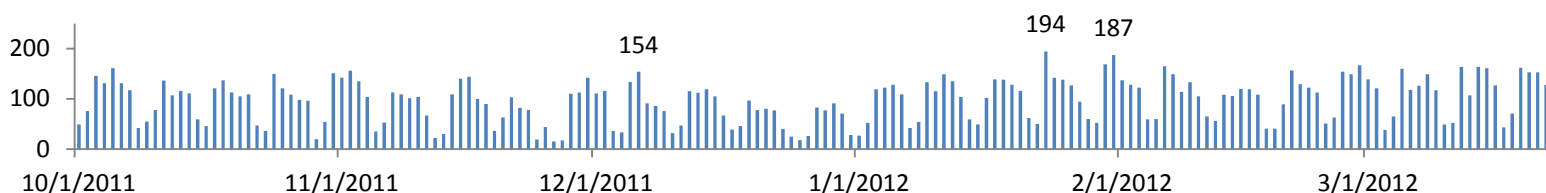
OTA LIVE Q & A CHAT PILOT PROGRAM

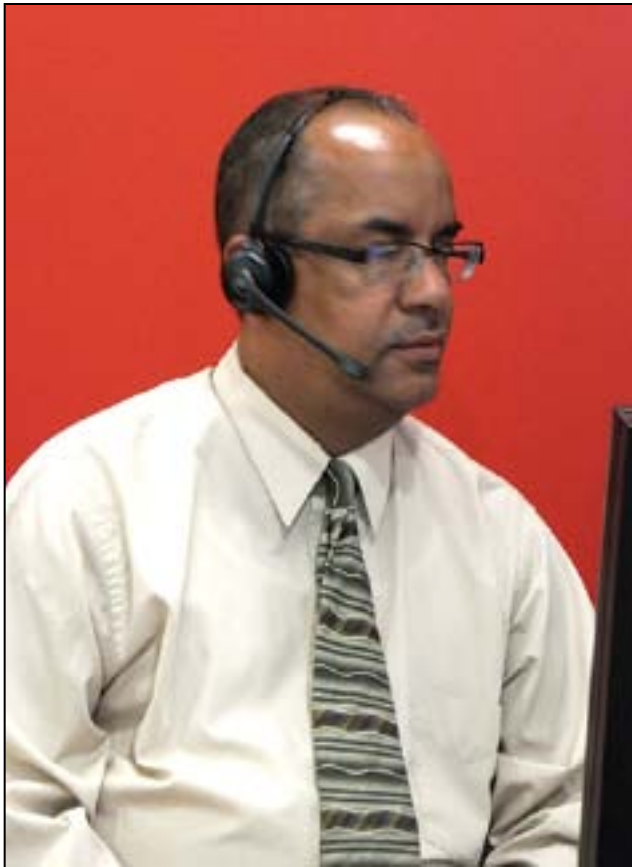
In the summer of FY 12, the OTA Live Q&A Chat Program was successfully launched. This new initiative allows the public to log onto the OTA website, submit questions, and receive answers in real-time. These questions are answered in real time by the OTA Legal Division. This program initiative now expands the OTA hotline program to real time assistance to the tenant community. This initiative will continue in FY 13 offering monthly online sessions (live chat occurs the last Tuesday of each month) Please visit ota.dc.gov for a complete schedule.

The way the tenant community looks for information is changing. Tenants are flocking online to get answers fast. Online "Live" Chat sessions with the Legal Division have taken off. **10.4 percent** of web hits were from **mobile devices** (including tablets) in FY 12.

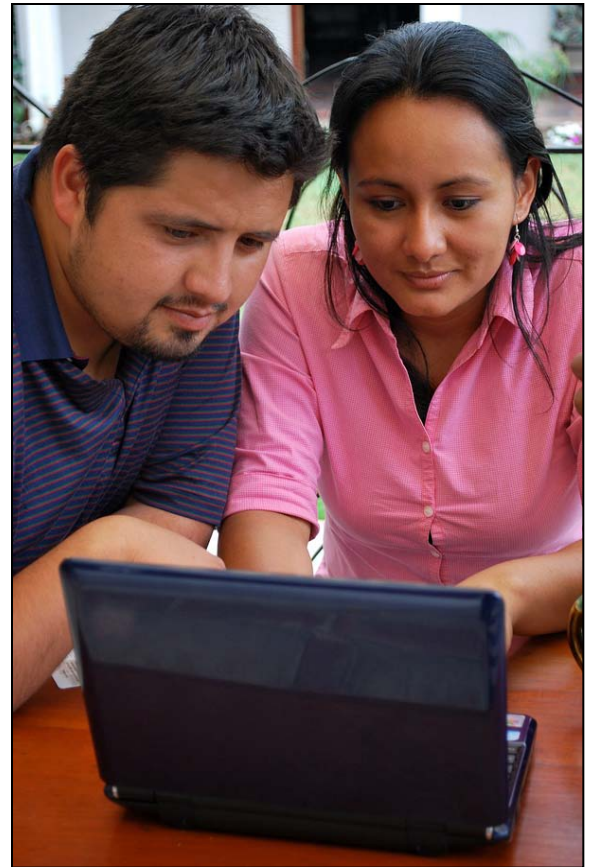
FY 12 TOTALS — **137,970** Page Views
43,288 Web Hits
118 Web Visits Per Day

FISCAL YEAR 2012 WEB HITS /DAY

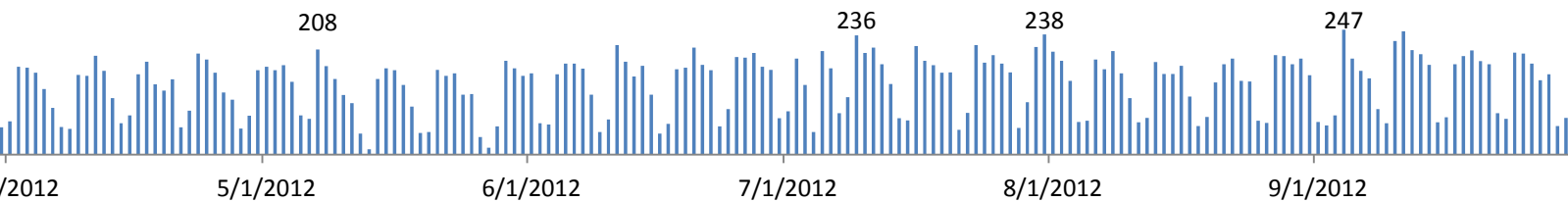
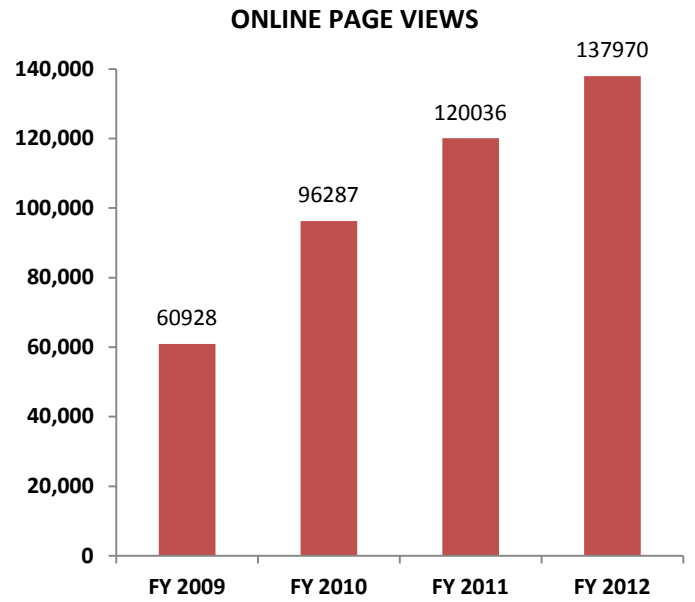
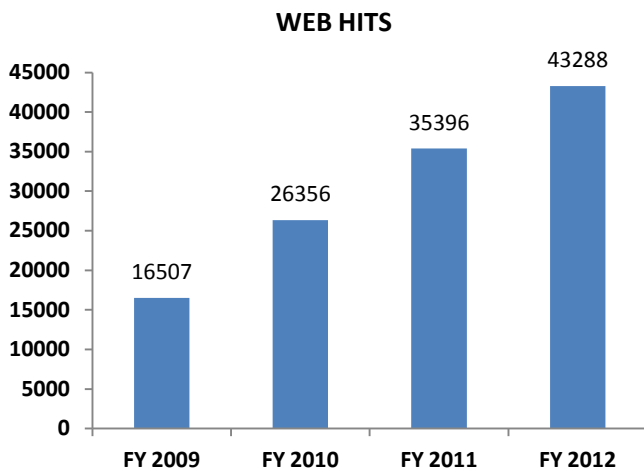




OTA Paralegal Horace Lassiter answers questions in an online Live Q&A Chat session.



Tenants log onto to the OTA **Live Q&A Chat** session to ask their tenant related questions and receive real-time answers from OTA Legal Division.



\OUTREACH\PUBLIC RELATIONS\

PFC; F5A 8000



RADIO

The OTA used local radio stations to increase participation at the Annual Summit, as well as to increase awareness of services provided by the agency. The OTA reached out to La Nueva 87.7FM radio station to distribute information to the Spanish speaking communities.



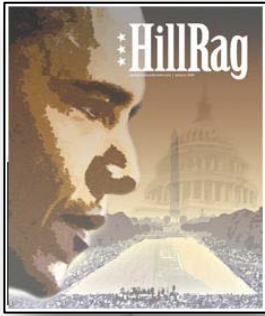
METRO BUS CAMPAIGN

A 4-week OTA bus campaign included king-size bust posters and interior cards. According to "CBS Outdoor," this campaign resulted in approximately **4,390,000** total "impressions."

WEB & SOCIAL MEDIA

OTA continued to expand its outreach via the internet, including the OTA website, the OTA newsroom, and new social media platforms such as Twitter, Facebook, and YouTube. The OTA website received **43,288 visits** this past year. See "OTA on the Web" for more information.





NEWSPAPER

OTA education and outreach campaigns included local newspapers such as Capital Community News publication’s HillRag, East of the River and Midcity, and El Tiempo; Washington Post’s Ready to Rent, and Northwest Current and Foggy Bottom Current.

LIBRARIES / SENIOR CENTERS

Teaming with libraries District-wide to distribute information on OTA events and services. The OTA provided resources for every library in the District in FY 12.

OTA distributed resources to senior centers across the District as well as lead agencies for senior initiatives.

OTHER PLATFORMS

Other public relations platforms include mailings to churches, Tenant Associations and directly to tenant households—OTA sent mailings to over 191 churches and 165 Tenant Associations in the District informing members of OTA events and services; distributions of fliers and posters in public areas, giveaways, eblasts and stakeholder meetings also served as effective means to inform the tenant community.



PFC; F5A 8000

TENANT SUMMIT

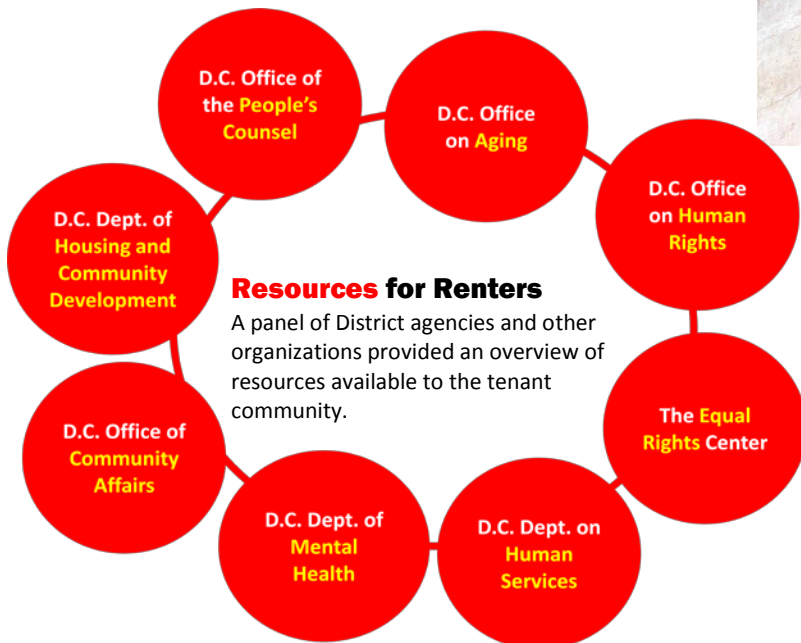
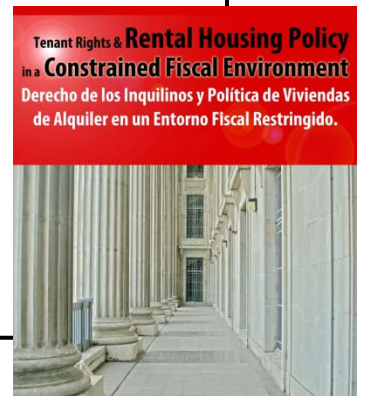
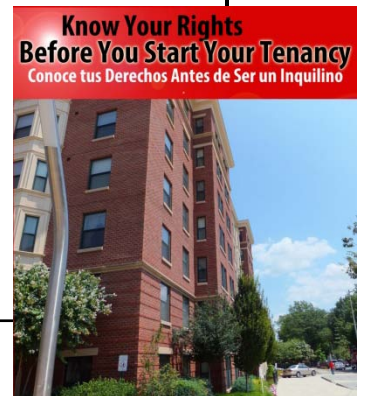
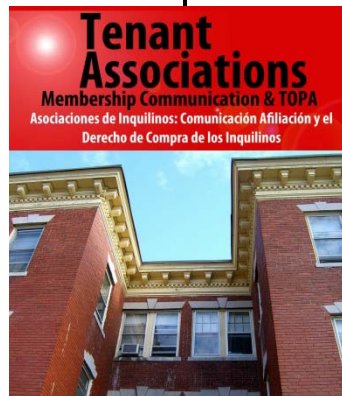
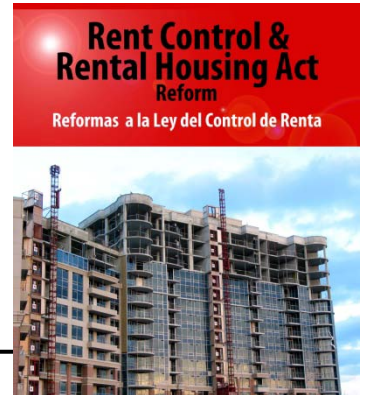
“One City, One Community: Tenant Rights and Resources in the District of Columbia.”

The Office of the Tenant Advocate held its Fifth Annual Tenant & Tenant Association Summit on September 22, 2012 at the Kellogg Conference Center at Gallaudet University. This special annual event has served close to 2,000 District residents since its inception. The Summit has grown, not only in District-wide participation of tenants, tenant associations, District agencies, non profits, and community leaders, but also in the array of resources offered to the tenants.

The event featured panels of policy leaders, attorneys, tenant association officers, and others who discussed topics ranging from policy challenges at the District and federal levels, ways to improve communications with tenant associations, how to win a tenant petition case, and everything to know before starting a tenancy.

The annual event also included two on-site clinics—A Tenant Legal Consultation clinic and an Elderly/Disabled Tenant Rent Control Registration clinic. Tenants were given the chance to meet with attorneys to discuss their housing related legal needs. Elderly and disabled tenants were able to fill out and submit the necessary applications to register to qualify for a lower cap on rent increases.

The 2012 Summit included remarks from Mayor Vincent C. Gray, Congresswoman Eleanor Holmes Norton, Councilmembers Mary Cheh, Yvette Alexander, and Michael Brown, as well as media personality Mark Plotkin.



You can visit the OTA website to **download** a complete copy of the 2012 Tenant Summit Program.



**Chief Tenant Advocate
Johanna Shreve**

**Congresswoman
Eleanor Holmes Norton**

Councilmember Michael Brown

**Councilmember
Mary Cheh**

Political Commentator Mark Plotkin

Mayor Vincent C. Gray

The Annual
**Tenant & Tenant Association
Summit**

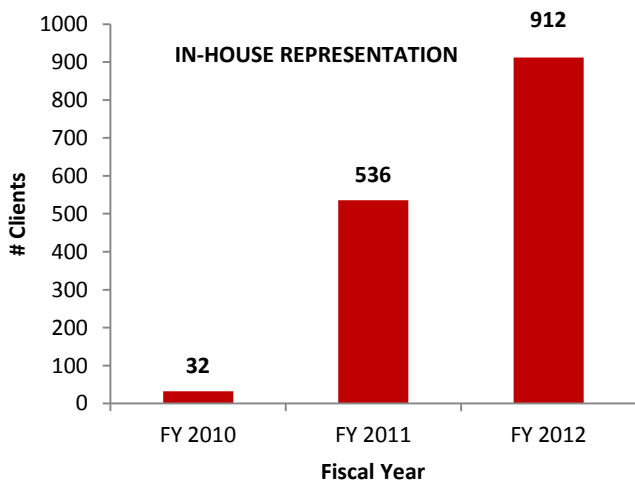
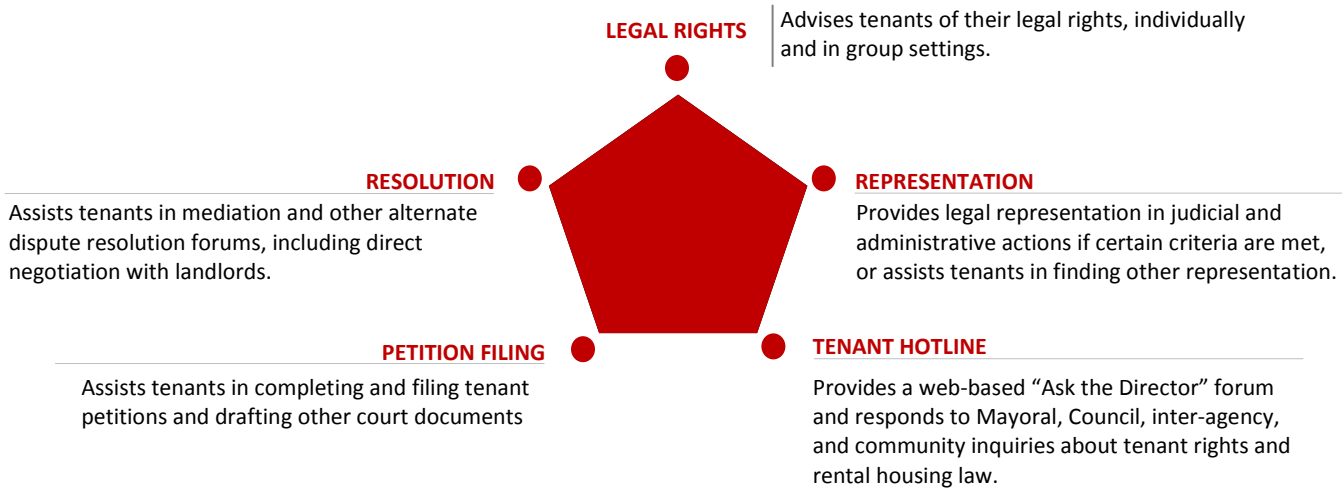
OFFICE OF THE TENANT ADVOCATE
Political Action Fund

GOOD MORNING

LEGAL REPRESENTATION

PROGRAM 3000

The OTA provides in-house legal representation in “high-impact” cases, and refers others to pro bono or contracted legal service providers and attorneys. Internal legal representation was provided to 912 individual and tenant association clients. The OTA Legal Division provides the following services for District tenants—



[STANDOUT CASE]

\$14.1 MILLION CAPITAL IMPROVEMENT

CASE: The Housing Provider filed a Capital Improvement Petition, requesting that tenants be required to pay \$14.1 Million to fund improvements to the Housing Provider’s property.

OUTCOME (to date): OTA in-house representation; reduction of original CI petition to \$9.1 million. Litigation is currently in progress to determine how much of the remaining \$9.1 Million request is consistent with the Rental Housing Act.



OTA LEGAL SERVICE PROVIDER PARTNERS

The OTA partnered with DC Law Students in Court, Zouaoui Law Office, Legal Aid Society, Legal Counsel for the Elderly, and Phyllis J. Outlaw & Assoc. and Bread for the City in FY 12.

Partnering with the OTA, District legal service providers provided legal representation to over 448 District tenants during the fiscal year. Representation was provided in multiple forums: the Office of Administrative Hearings, the Superior Court's Housing Conditions Calendar, the Superior Court's Landlord/Tenant Branch, the Superior Court's Civil Division and the Court of Appeals. Issues contested included: rent increases that violated the District's rent control laws, non-repair of housing conditions that violated the District's Building Code, emergency needs of tenants (especially lack of functioning heating systems), attempted and actual illegal evictions, and housing provider petitions to raise rents above allowable amount.

Legal service providers partnering with the OTA reported that case settlements had an attributed value of over **\$249,470**. These dollars come back in the form of reduced rent and damage awards.

EXAMPLES OF CASES

LATINO TENANT SUED IN SMALL CLAIMS COURT

CASE: Landlord claimed that a Spanish-speaking tenant owed thousands of dollars in ambiguous fees.

OUTCOME: Judgment for tenant, including a 20 percent rent abatement for the last three years, and a total financial benefit of \$6,450.

EVICION OF DISABLED TENANT

CASE: Landlord sued to evict a wheelchair-bound public housing tenant.

OUTCOME: Settlement included a 20% rent reduction, repairs, and a repayment plan for past due rent. Tenant secured rental assistance for all past due rent.

SEVERE HOUSING CODE VIOLATIONS

CASE: Spanish-speaking elderly tenant sued landlord for emergency repairs of housing code violations and monetary relief.

OUTCOME: Settlement included a rent refund and a waiver of withheld rent totaling \$9,000.

CASE VALUE

FY 12 Case settlements (OTA in-house representation combined with external legal partners) have an attributed value of over **\$450,000**.

\Policy Advocacy\

One of the OTA's statutory duties is to "represent the interests of tenants and tenant organizations in legislative, executive, and judicial issues, including advocating changes in laws and rules" (D.C. Official Code § 42-3531.07(2)). This mission requires attention to all realms of policy-making, and continual dialogue with the D.C. Council, the Mayor's office, sister agencies, the courts, stakeholders, and interested others, to ensure that the rights and interests of the tenant community are protected and promoted. In FY 12, the OTA's Policy Advocacy Division was active in the legislative, executive, and judicial arenas.

LEGISLATION

The OTA helped draft – or provided the Council and the Mayor's office with testimony or recommendations regarding – key rental housing-related legislation in a broad range of issue areas, including:

Rent control reform

In consultation with stakeholders and the Housing Committee, the OTA helped draft a reform control reform measure that was the basis for stakeholder discussions throughout 2012. Among other reforms, this proposal would:

- Lower the standard rent increase cap for elderly tenants and tenants with disabilities, using the Social Security Cost of Living Adjustment (COLA) as a benchmark;
- Provide a penalty where the landlord fails to provide tenants with notice of the lower rent increase cap available to elderly tenants and tenants with disabilities;
- Make it easier for eligible tenants to register their status with the Rent Administrator's office – while preserving the RA documentation that is critical to the enforcement of this important tenant protection;
- Provide a penalty where a non-resident landlord fails to have a registered agent in the District;
- Prevent excessive vacancy rent increases in high turn-over units;
- Clarify that tenants are entitled to timely copies of housing code violation notices;
- Close loopholes and ambiguities in the law regarding rent increases by "70% Voluntary Agreement," which result in entire buildings being removed from meaningful rent control.

Further activity regarding "70% Voluntary Agreements":

- The OTA helped draft Bill 19-1037, the "Rent Control Voluntary Agreement Procedure Amendment Act of 2012," to give affected tenants the opportunity to be heard before the approval or disapproval of a Voluntary Agreement.
- Identical legislation was introduced in January 2013 as Bill 20-0052, the "Rent Control Voluntary Agreement Procedure Amendment Act of 2013."
- The OTA also initiated ongoing discussions with stakeholders – including landlord and tenant representatives, attorneys, and advocates -- regarding substantive reform of the VA law.

Consumer rights for tenants

In consultation with stakeholders and the Council, the OTA helped draft an "L&T" provision to end the exclusion of tenants from the District's consumer protection laws.

This measure would permit a tenant to bring a claim against a housing provider under the District's Consumer Protection Procedures Act for issues such as fraud and misrepresentation, and limit that right to prevent duplication with possible claims under the Rental Housing Act.

While this provision was not included in relevant legislation in the last Council session, it was introduced separately in January 2013 as Bill 20-0077, the "Rental Housing Consumer Protection Act of 2013."

Nuisance Abatement Fund prioritization

The OTA helped draft a portion of Bill 19-134, the "Nuisance Abatement Special Purpose Revenue Amendment Act of 2011," which in part would prioritize DCRA's use of the Nuisance Abatement Fund to "fix" unabated housing code violations which are likely to result in tenant displacement.

OTA discussions with DCRA helped identify a number of unintended adverse consequences with other portions of the bill as drafted. Accordingly, there was general agreement to redraft the measure in consultation with stakeholders, the Council, and DCRA. This would help focus a hearing on more substantive concerns.

Residential lease reform

The OTA helped draft a bill to address common problems associated with residential leases issued in the District. Bill 20-0074, the "Residential Lease Omnibus Amendment Act of 2013" -- introduced in January 2013 -- would:

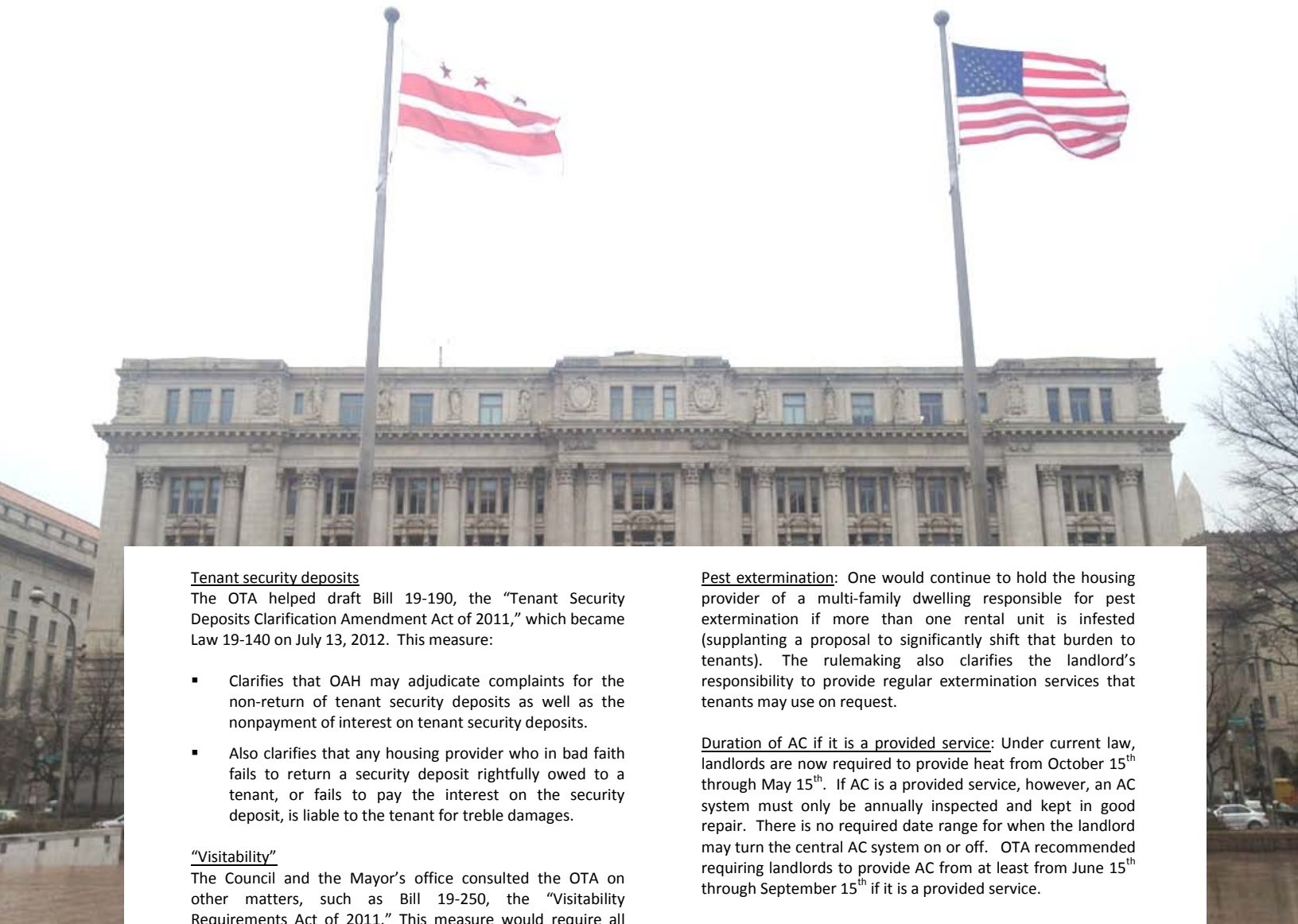
- Prevent landlords from circumventing the rent control law by assessing mandatory service and facility fees in excess of the lawful maximum rent charged;
- Extend for twelve months the TOPA rights of any tenant who has timely vacated a rental unit pursuant to the owner's recovery of the unit for personal use and occupancy;
- Require and define "reasonable notice" and "reasonable time" as these terms pertain to landlord entry into tenant units;
- Ensure that any lease requirement regarding a tenant's notice of an intention to vacate their unit is clear and conforms to existing law;
- Unless the lease explicitly prohibits subletting or lease assignment, prevent landlords from unreasonably withholding consent before a tenant may sublet or assign the lease.

Tenant Bill of Rights

The OTA helped draft legislation to require that any residential lease issued in the District be accompanied by a copy of a "D.C. Tenant Bill of Rights" promulgated by the OTA.

Bill 20-0058, the "Tenant Bill of Rights Act of 2013" – introduced in January 2013 – would empower new tenants with essential knowledge about their rights under District law, and thus greatly advance the OTA's education and outreach mission.

Similar legislation was introduced in 2009, at which time the OTA drafted a D.C. Tenant Bill of Rights. The OTA now widely circulates that document to OTA clients and stakeholders and others.



Tenant security deposits

The OTA helped draft Bill 19-190, the “Tenant Security Deposits Clarification Amendment Act of 2011,” which became Law 19-140 on July 13, 2012. This measure:

- Clarifies that OAH may adjudicate complaints for the non-return of tenant security deposits as well as the nonpayment of interest on tenant security deposits.
- Also clarifies that any housing provider who in bad faith fails to return a security deposit rightfully owed to a tenant, or fails to pay the interest on the security deposit, is liable to the tenant for treble damages.

“Visitability”

The Council and the Mayor’s office consulted the OTA on other matters, such as Bill 19-250, the “Visitability Requirements Act of 2011.” This measure would require all newly constructed, District financially assisted, single family homes and townhomes to meet minimum standards of “visitability,” thus making such homes more accessible to persons with disabilities.

RULEMAKING AND EXECUTIVE POLICY-SETTING

Inclusionary Zoning: In April 2012 the OTA provided comments to DHCD regarding the “Inclusionary Zoning” program, one of the District’s important affordable housing tools.

Housing code regulations: The OTA continued to consult DCRA regarding housing business licensing and building closure regulations.

Affordable housing: In August 2012, the OTA made a presentation to the regulatory working group of the Mayor’s Comprehensive Housing Strategy Task Force, regarding the District’s Tenant Opportunity to Purchase program.

Property Maintenance: In March 2012, the OTA became a voting member of the Construction Code Coordinating Board’s (CCCB) “Property Maintenance” Technical Advisory Group (TAG). That TAG is responsible for reviewing updates to relevant international model construction codes and making recommendations to the Mayor and the Council regarding amendments to District regulations. The CCCB adopted two OTA recommendations for inclusion in a November 2012 Proposed Rule-making.

Pest extermination: One would continue to hold the housing provider of a multi-family dwelling responsible for pest extermination if more than one rental unit is infested (supplanting a proposal to significantly shift that burden to tenants). The rulemaking also clarifies the landlord’s responsibility to provide regular extermination services that tenants may use on request.

Duration of AC if it is a provided service: Under current law, landlords are now required to provide heat from October 15th through May 15th. If AC is a provided service, however, an AC system must only be annually inspected and kept in good repair. There is no required date range for when the landlord may turn the central AC system on or off. OTA recommended requiring landlords to provide AC from at least from June 15th through September 15th if it is a provided service.

JUDICIAL MATTERS

Voluntary Agreements: In April 2012 the OTA filed the first-ever non-party request that the Rental Housing Commission initiate review of a decision below. In a highly unusual decision, OAH had reversed the Rent Administrator’s disapproval of a VA and approved the VA outright. This procedural “first” provided an opportunity for the OTA to engage a specific VA case without compromising agency restrictions regarding “tenant vs. tenant” matters.

Capital improvements: the OTA’s Policy and Legal Divisions work closely together whenever there is a litigation impact on policy or vice versa. In 2012, such cases included an ongoing action in which the OTA is representing tenants challenging a landlord petition at OAH for large capital improvement surcharges.

In 2012, the OTA’s monthly stakeholder meetings included well-attended sessions featuring:

- *Council staff and Councilmember Michael Brown, chair of the Economic Development and Housing Committee, who discussed rental housing legislation;*
- *An expert panel, including the Executive Director of D.C. Housing Authority, which addressed the federal housing budget;*
- *A presentation by DHCD about the District’s Inclusionary Zoning and Affordable Dwelling Unit programs;*
- *A presentation by DCRA regarding the District’s new business organization law; and*
- *A presentation by the D.C. Housing Finance Agency regarding the Mayor’s Comprehensive Housing Strategy Task Force.*

\OTA STAKEHOLDERS\

OTA regularly apprises advocates and other members of the rental housing community of legislative and regulatory developments, and provides opportunities -- including a monthly general meeting -- to participate in the development of policy goals and proposals. Below are meetings from Fiscal Year 2012:

Oct. 2011

**OTA'S Legislative
Priorities**

Nov. 2011

**Schedule H
Rental Tax
Credit**

Dec. 2011

**Holiday Open
House**

Jan. 2012

**CM Michael
Brown
Rent Control
Reform**

Feb. 2012

**Subsidized
Housing and the
Federal Budget**

March 2012

**DC Budget and
Housing**

May 2012

**Inclusionary
Zoning and
Affordable Units**

June 2012

**Tenant
Associations**

Aug. 2012

Agency Recess

Sept. 2012

Tenant Summit



Visit www.ota.dc.gov and click **"Stakeholder Meetings"** to receive alerts and notices relating to meetings.

OTA on the WEB



PFC; F5A 4000

\LEGISLATIVE TRACKING\

“A powerful online resource to help you **keep track** of bills affecting the District tenant community.”

Stay informed of:

- [Newly Introduced Legislation](#)
- [Status of a Bill](#)
- [Hearing Dates](#)
- [The Purpose of Each Bill](#)



Visit www.ota.dc.gov and click “Policy Advocacy”

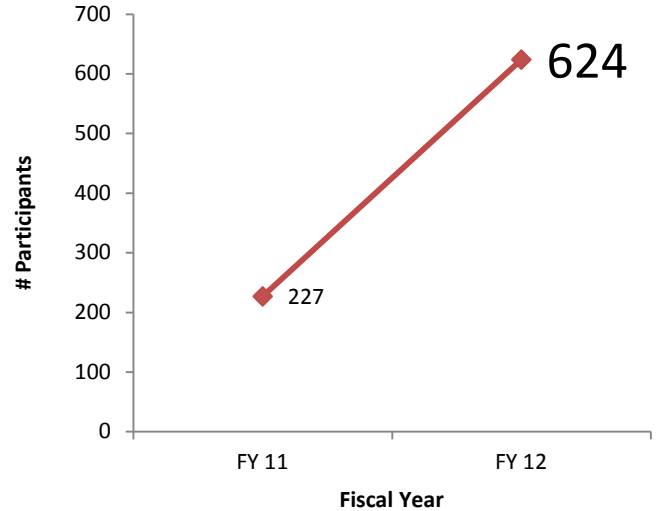
\TENANT EDUCATIONAL INSTITUTE\

PROGRAM 5000

The Tenant Educational Institute (TEI) was launched in FY 2012 with the goal of providing the tenant community with educational resources regarding tenant related laws at both the state and federal level, and assistance with matters such as organizing and maintaining tenant associations.

The TEI has developed and presented workshops on various tenant issues throughout the fiscal year. Workshops have been held at the OTA as well as in the community at various locations. Workshop topics presented included Elderly and Disabled Rent Control Registration; building and maintaining Tenant Associations; Tenant Rights 101; First Time Renter information; and the Tenant Opportunity to Purchase Act.

The OTA held 19 workshops in the community, consisting of 624 participants. This is a 175% increase over FY 11's 227 workshop participants.



ELDERLY/DISABLED RENT CONTROL
TENANT ASSOCIATIONS
TENANT RIGHTS 101
FIRST TIME RENTER
TOPA 101

FY 12 TEI WORKSHOPS



An educational resource distributed at First Time Renters workshops.

A Resource Guide...

Rental Housing First Time Renter

The OTA partnered with a consortium of District colleges and universities in a program designed to prepare renters for their first tenancy.



GOALS OF THE FIRST TIME RENTER INITIATIVE

The OTA has partnered with a consortium of **District colleges and universities** to do the following:

- Provide information to colleges and universities in the District of Columbia who work and advise students who live off campus or students who want to live off campus;
- Assist college and university staff in understanding the legal statutes contained in the Sales and Conversion Act of 1980, Housing Act of 1985 and 2006 amendments to the Housing Act of 1985 that will result in students making informed decisions about off-campus housing choices;
- Provide participants with a greater understanding of the roles and responsibilities of the Office of the Tenant Advocate and; To provide citywide resources that focus on legal and financial protections for tenants throughout the District of Columbia.

OFFICE ON AGING PROJECT DIRECTORS' INITIATIVE:

In FY 12, the OTA met with **DC Office on Aging** Project Directors to educate them on the Rental Housing Act of 1985 (specifically as it relates to rent increases for elderly and disabled tenants), and to inform them of OTA's Elderly / Disabled Tenant Rent Control Registration Workshop—a workshop created by OTA aimed aimed at elderly and disabled tenants for whom it may be difficult to leave their homes to complete applications necessary to qualify for lower rent caps under the rent control law. The OTA brings these workshops to the tenants—to senior service centers and apartment building locations. Eligible attendees are able to fill out the necessary applications on-site, which the OTA processes for them on-site.

The ultimate goal of the initiative with DCOA is to inform the project directors on how they can assist the OTA in helping tenants to complete and file their notices, and to increase outreach to these tenants in the process.



Colleges and universities that have partnered with the OTA--

Georgetown University | The George Washington University | Howard University | Catholic University | Gallaudet University | Trinity University | University of the D.C.

EMERGENCY HOUSING

PROGRAM 6000

The OTA administers the only emergency housing program of its kind in the Washington region. The program is designed to meet the emergency housing needs of tenants who find themselves temporarily displaced due to unforeseen events (such as fire, flood, sewer backup or a government closure). Program benefits include:

Comfort Inn and Suites
Holiday Inn Express
Fairfield Inn
Courtyard Marriott

Extends temporary housing for a period of fourteen days following the Red Cross (first responders) intervention that allows tenants to focus on locating new housing alternatives;

Hotel Accommodations

Storage

Assists tenants with packing, moving and storage of personal possessions for up to 60 days;



Financial Assistance

Provides first month's rent, security and/or utility deposits; or application fees for replacement rental housing;

Red Cross
Strong Families
Dept. of Human Services
Executive Office of the Mayor

Coordination of Services

Coordinates with other District agencies and community-based organizations to ensure that appropriate services are provided to displaced tenants.

DISPLACED DUE TO EMERGENCY



INDIVIDUALS DISPLACED/CASES

FY 2012

337 Displaced Individuals
115 Emergency Housing cases

FY 2011

299 Displaced Individuals
111 Emergency Housing cases

FY 2010

280 Displaced Individuals
95 Emergency Housing cases

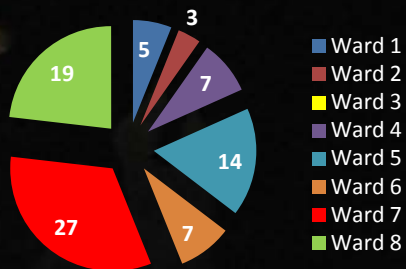
FY 2009

194 Displaced Individuals
86 Emergency Housing cases

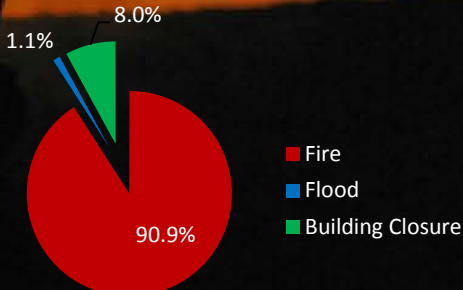
The OTA has provided Emergency Housing services to **1,110** displaced District tenants since FY '09



FY 12 EMERGENCY BY WARD



FY 12 EMERGENCY BY TYPE



ACKNOWLEDGEMENTS

The Office of the Tenant Advocate would like to acknowledge the tireless efforts of individuals and organizations that work towards our agency's mission each day.

All OTA Staff

Delores Anderson, Program Analyst
Manuel Bolanos, Case Management Specialist
Joel Cohn, Legislative Director
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Aaron Polkey, Attorney Advisor
Ramona Quillet, Attorney Advisor
William Smith, General Clerk
Amir Sadeghy, Attorney Advisor
Dennis Taylor, General Counsel
Tamela Tolton, Program Analyst

Special Thanks To:

All participants of the Annual Tenant Summit

The Honorable Eleanor Holmes Norton, D.C. Delegate to the U.S. House of Representatives
The Honorable Vincent C. Gray, Mayor of the District of Columbia
The Honorable Michael Brown, Councilmember, At-Large
The Honorable Mary Cheh, Councilmember, Ward 3
The Honorable Muriel Bowser, Councilmember, Ward 4
The Honorable Yvette Alexander, Councilmember, Ward 7
All Tenant Associations and Tenants in Attendance

All Exhibitors/ Speakers/ and Moderators of the Tenant Summit

Robert S. Bullock, Esq., Principal, The Elder & Disability Law Center
Gil Davidson, Inspection Supervisor, DCRA
Jane English, Ombudsman, The View at Waterfront Tenants' Association
Alex Gallo, Allegro Tenants Association
Tom Gregory, 4000 Massachusetts Avenue Tenant Association
Chuck Harwood, Deputy Director, Bureau of Consumer Protection, Federal Trade
Drew Hubbard, Committee Director, D.C. Council's Committee on Economic Development and Housing
Michael Kelly, Acting Director, D.C. Department of Housing and Community Development
Andrew Martin, TP Program Manager, University Legal Services
Juanita McKenzie, 930-940-960, Randolph Street Tenants Association
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Bennett Rushkoff, Esq., D.C. Office of the Attorney General
Barbara Sard, Vice President for Housing Policy, Center on Budget and Policy Priorities
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Adrienne Todman, Executive Director, D.C. Housing Authority
Kermit Turner, Garden Apartments Tenant Association
Melanie Williamson, Legislative Counsel, D.C. Council's Committee on Public Services and Consumer Affairs
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Red Cross

Department of Human Services

Strong Families

Executive Office of the Mayor

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Holiday Inn Express 1917 Bladensburg Road, NE
Fairfield Inn 2305 New York Ave, NE
Courtyard Marriott 1600 Rhode Island Ave, NW

Committed Members of the OTA Stakeholder Group

Ms. Johanna Moore, 6-4-12
In much gratefulness
to you & your staff
for taking the time to
immediately help me &
my child. I'm very
thankful that Naomi
Mitchell referred me to
you.
Eternally Grateful
Ms. Amber Gist

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PUTTING PEOPLE FIRST.

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