

Subject: Fw: Rental Housing Commission's proposed rules on eviction & screening amendments
Date: Tuesday, January 10, 2023 at 8:38:32 AM Eastern Standard Time
From: Edward Cordone
To: daniel.mayer@dc.gov
Attachments: RHC Eviction and Screening amendments proposed rules (Dec. 6 2022 redline).pdf, RHC Eviction and Screening amendments proposed rules (Dec. 6 2022 final).pdf, image001.jpg

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Mr. Mayer,

I am a landlord tenant attorney in DC and have been for the past 25 years. I also sit on the Landlord Tenant Working Group Committee at DC Superior Court was also involved with the City Council during COVID as it related to the many emergency bills, temporary and permanent bills passed related to evictions. I have looked over the attached and am confused as to the proposed changes in 4300.5, 4300.6 and 4300.7 as it relates to the notices for nonpayment of rent. Prior to October 7 the notice was referred to as a Notice of Past Due Rent in the statute but that law has now expired. In the permanent legislation passed on May 18 the notice was referred to as a Notice of Intent to File a Claim. There was confusion as to the title of the notice between May 18 and October 7 as the statute referred to the notice by two different names. That confusion no longer exists as of October 7 as the temporary bill expired which contained the reference to a Notice of Past Due Rent. The permanent bill passed on May 18, 2022 and the current statute only now require a Notice of Intent to File a Claim so there is no longer any confusion for naming purposes. These amendments now appear to propose to change the name/title of the notice for a third time and this change seems to conflict with the current statute. Not sure why the name is being changed again when the statute now only requires the title of Notice of Intent to File a Claim.

Thank you,
Eddie Cordone

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From: Dean Hunter <deanhunter@smoadc.org>
Sent: Tuesday, December 6, 2022 3:09 PM
To: Richard Bianco <rich@lawrjb.com>; Gene Santomartino <Gene@RentControlConsultants.com>; Edward Cordone <ejcordone@hotmail.com>
Subject: Fwd: Rental Housing Commission's proposed rules on eviction & screening amendments

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From: Mayer, Daniel (RHC) <daniel.mayer@dc.gov>
Sent: Tuesday, December 6, 2022 12:03:56 PM
Subject: Rental Housing Commission's proposed rules on eviction & screening amendments

Good afternoon:

As I promised sometime back, the Rental Housing Commission has been working to draft updates to its regulations based on the Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022, DC Law 24-115. As you probably know, this bill, among other things, makes significant changes to the requirements for pre-eviction notices, including bringing non-payment cases within the Rental Housing Act's scope, and adds new prohibitions and notice requirements when a housing provider runs credit checks or does other tenant screening.

Please find attached the notice of proposed rulemaking that the Commission will be publishing for public notice and comment. We expect that this will be in Friday's DC Register, and the public comment period will be open until January 27, 2023, so you don't have one more urgent thing to deal with during the holiday season. As usual, I've included a clean copy and a redline version that shows changes from the existing rules. The preamble to the notice highlights the portions of the proposed rules where the Commission has made substantive, interpretive decisions about what the new law means and how it applies. Most of the new rules are otherwise directly taken from the text of the new law.

The Commission looks forward to hearing from your organizations, members, and partners regarding these proposed rules and any other issues related to the new law. Don't hesitate to ask any questions you have. As always, please circulate this as widely as you like so we can get as much helpful public input as possible.

Thank you,

Daniel Mayer, General Counsel

D.C. Rental Housing Commission

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