

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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District of  
Columbia  
Official Code

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To amend the Rental Housing Conversion and Sale Act of 1980 to prevent low-income disabled tenants from being involuntarily displaced when their rental housing is converted to a condominium or a cooperative.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Low-Income Disabled Tenant Rental Conversion Protection Amendment Act of 2006”.

Sec. 2. The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*), is amended as follows:

(a) Section 101(a)(4) (D.C. Official Code § 42-3401.01(a)(4)) is amended as follows:

Amend  
§ 42-3401.01

(1) Strike the word “elderly” in the first sentence and insert the phrase “elderly and disabled” in its place.

(2) Strike the phrase “lower income and elderly” in the second sentence and insert the phrase “lower income, elderly, and disabled” in its place.

(b) Section 102 (D.C. Official Code § 42-3401.02) is amended as follows:

Amend  
§ 42-3401.02

(1) Paragraph (3) is amended by striking the word “elderly” and inserting the phrase “elderly and disabled” in its place.

(2) Paragraph (4) is amended by striking the word “non-elderly” and inserting the phrase “non-elderly and non-disabled” in its place.

(c) Section 203(d) (D.C. Official Code § 42-3402.03(d)) is amended as follows:

Amend  
§ 42-3402.03

(1) The existing text is designated as paragraph (1).

(2) Paragraph (1) is amended by striking the phrase “he or she is a head of household whose continued right to remain a tenant is required by the title” and inserting the phrase “a member of the household’s continued right to remain a tenant as guaranteed by this title is exercised” in its place.

(3) A new paragraph (2) is added to read as follows:

“(2) An elderly or disabled tenant who delivers a waiver under section 208(a)(2)(D) to the Mayor shall be qualified to vote in an election under this section.”.

(d) Section 208 (D.C. Official Code § 42-3402.08) is amended as follows:

Amend  
§ 42-3402.08

(1) The section designation is amended to read as follows:

“Sec. 208. Elderly or disabled tenancy.”.

(2) Subsection (a) is amended to read as follows:

“(a) *Eviction limited.*--(1)(A) For the purposes of this subsection, the term “qualifying income” means the applicable percentage for the household size, as set forth in subparagraph (B) of this paragraph, of the area median income for a household of 4 persons for the Washington-Arlington-Alexandria Metropolitan area, as established by the U.S. Department of

Housing and Urban Development.

“(B) The applicable percentages for the household size are as follows:

- “(i) One-person household: 60%;
- “(ii) Two-person household: 70%;
- “(iii) Three-person household: 80%;
- “(iv) Four-person household: 90%;
- “(v) Five-person household: 95%;
- “(vi) Six-person household: 100%;
- “(vii) Seven-person household: 105%; and
- “(viii) More than 7-person household: 110% .

“(2) Notwithstanding any other provision of this title, the Condominium Act, or the Rental Housing Act, an owner of a rental unit in a housing accommodation converted under the provisions of this title shall not evict or send notice to vacate to an elderly or disabled tenant if the combined annual household income for his or her unit, as determined by the Mayor, does not exceed the qualifying income, unless:

“(A) The tenant violates an obligation of the tenancy and fails to correct the violation within 30 days after receiving notice of the violation from the owner;

“(B) A court of competent jurisdiction has determined that the tenant has performed an illegal act within the rental unit or housing accommodation;

“(C) The tenant fails to pay rent; or

“(D)(i) For the purposes of a single, scheduled tenant election under section 203, the tenant waives, in writing, his or her right to remain a tenant.

“(ii) The waiver shall state that it was made voluntarily, without coercion as set forth in section 203(h), and with full knowledge of the ramifications of a waiver of the right to remain a tenant.

“(iii) The waiver under sub-subparagraph (i) of this subparagraph shall apply only to the single, scheduled tenant election for which it was given.”.

(3) Subsection (b) is amended by striking the word “elderly” and inserting the phrase “elderly or disabled” in its place.

(4) Subsection (c) is amended to read as follows:

“(c) *Qualification.*— (1) An elderly or disabled tenant shall qualify under this title if, on the day a tenant election is held for the purposes of conversion, the elderly or disabled tenant:

“(A) Is entitled to the possession, occupancy, or the benefits of his or her rental unit; and

“(B)(i) Is 62 years of age or older; or

“(ii)(I) Has a medically determinable physical impairment, including blindness, which prohibits and incapacitates 75% of that person’s ability to move about, to assist himself or herself, or to engage in an occupation.

“(II) In making a determination that a tenant qualifies under this sub-subparagraph, the Mayor shall limit the inquiry to the minimum information and documentation necessary to establish that the tenant meets the definition of disabled provided in sub-sub-subparagraph (I) of this sub-subparagraph, and shall not inquire further into the nature or severity of the disability. The Mayor shall not require the tenant to provide a description of the disability when making an eligibility determination; provided, that the Mayor may request that a physician or other licensed healthcare professional verify that a tenant meets the definition of disabled in sub-sub-subparagraph (I) of this sub-subparagraph. The Mayor shall not require the tenant to provide eligibility documentation in less than 30 days.

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“(III) The Mayor shall not disclose information compiled under this sub-subparagraph unless the disclosure is required by law; provided, that the Mayor may provide a list of eligible voters upon request; provided further, that the Mayor may make a list of eligible voters available at the site of the tenant election.

“(IV) In requesting information under this sub-subparagraph, the Mayor shall inform tenants that their names will be absent from publicly available lists of eligible voters and the Mayor shall not disclose information provided about a tenant's disability unless the disclosure is required by law.

“(2) The Mayor shall develop such forms and procedures as may be necessary to verify eligibility under this subsection.”

(e) Section 210 (D.C. Official Code § 42-3402.10) is amended by striking the word “elderly” and inserting the phrase “elderly and disabled” in its place.

**Amend  
§ 42-3402.10**

**Sec. 3. Fiscal impact statement.**

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

**Sec. 4. Effective date.**

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

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia