

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Fiscal Year 2006 Budget Support Act of 2005 to establish an independent Office of the Tenant Advocate, effective October 1, 2007, to clarify that the Housing Assistance Fund currently managed by the Office of the Tenant Advocate shall be managed by the independent Office of the Tenant Advocate; to amend the Rental Housing Act of 1980 to make a conforming amendment for the Housing Assistance Fund; and to transfer personnel, property, and records, to the independent Office of the Tenant Advocate.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Independent Office of the Tenant Advocate Establishment Amendment Act of 2006”.

Sec. 2. Subtitle G of title II of the Fiscal Year 2006 Budget Support Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-3531.01 *et seq.*), is amended as follows:

(a) Section 2061 (D.C. Official Code § 42-3531.01) is amended by striking the phrase “of 2005”. Amend § 42-3531.01

(b) Section 2062 (D.C. Official Code § 42-3531.02) is amended by striking the phrase “as an office within the Department of Consumer and Regulatory Affairs” and inserting the phrase “as an independent agency” in its place. Amend § 42-3531.02

(c) Section 2063 (D.C. Official Code § 42-3531.03) is amended as follows:

(1) Paragraph (6) is amended by striking the phrase “office at the Department of Consumer and Regulatory Affairs” and inserting the phrase “independent Chief Tenant Advocate” in its place. Amend § 42-3531.03

(2) Paragraph (7) is amended by striking the phrase “Office of the Tenant Advocate within the Department of Consumer and Regulatory Affairs” and inserting the phrase “independent Office of the Tenant Advocate” in its place.

(d) Section 2065 (D.C. Official Code § 42-3531.05) is amended by striking the phrase “office within the Department of Consumer and Regulatory Affairs” and inserting the phrase “independent agency within the District government” in its place. Amend § 42-3531.05

(e) Section 2066 (D.C. Official Code § 42-3531.06) is amended as follows:

(1) Subsection (b) is amended to read as follows:

“(b)(1) On or after October 1, 2007, the Chief shall be appointed by the Mayor with the advice and consent of the Council for a term of 3 years, unless sooner removed by the Mayor for cause. Any unexpired term as of October 1, 2007 shall expire on that date.

“(2) A person appointed to fill a vacancy of this office shall be appointed only

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for the unexpired term of the Chief whose vacancy is being filled.”.

(2) Subsection (c)(2) is amended by striking the phrase “and shall remain a resident, unless temporarily or permanently exempted from these requirements by the Mayor or for good cause” and inserting the phrase “and shall remain a resident” in its place.

(3) Subsection (d) is amended by striking the phrase “The Office shall employ the staff necessary” and inserting the phrase “The Office shall employ the staff necessary, including attorneys,” in its place.

(f) Section 2067 (D.C. Official Code § 42-3531.07) is amended as follows:

**Amend
§ 42-3531.07**

(1) Paragraph (2) is amended by striking the phrase “Represent the interest” and inserting the phrase “Represent the interests” in its place.

(2) Paragraph (5) is amended to read as follows:

“(5)(A) Represent tenants, at its discretion and as it determines to be in the public interest, in Federal or District judicial or administrative proceedings;

“(B) Provide an annual report to the Council on or before February 1 of each year setting forth each tenant request for representation, a description of the circumstances surrounding each request, whether or not the Office provided representation, and the outcome of cases where representation was provided;”.

(3) Paragraph (6) is amended by striking the word “and”.

(4) A new paragraph (6A) is added to read as follows:

“(6A) Manage and administer the Housing Assistance Fund established by section 307 of the Rental Housing Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*); and”.

(g) New sections 2068a and 2068b are added to read as follows:

“Sec. 2068a. Housing Assistance Fund.

“The Housing Assistance Fund established by section 307 of the Rental Housing Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3403.07), shall be administered and managed by the Office of the Tenant Advocate.

“Sec. 2068b. Rulemaking authority.

“On or before December 1, 2007, the Office of the Chief Tenant Advocate shall promulgate rules, subject to Council approval, to implement the provisions of this subtitle.”.

Sec. 3. Section 307 of the Rental Housing Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3403.07), is amended as follows:

**Amend
§ 42-3403.07**

(a) Subsection (a-1) is amended by striking the phrase “shall be administered and managed on behalf of the Mayor by the Office of Tenant Advocate” and inserting the phrase “shall be administered and managed by the Office of the Tenant Advocate” in its place.

(b) Subsection (b) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

“(1) An amount not to exceed 50% of the funds shall be used to fund emergency housing and tenant relocation assistance; and”.

(2) Paragraph (2) is amended by striking the phrase “In an amount not to exceed 50% of the funds deposited in the fund each fiscal year” and inserting the phrase “An amount not to exceed 50% of the funds deposited in the fund each fiscal year shall be used” in its place.

Sec. 4. Transfer of functions of Office of the Tenant Advocate of the Department of Consumer and Regulatory Affairs

All positions, property, records, and unexpended balances of appropriations, allocations,

assessments, and other funds available or to be made available to the Office of the Tenant Advocate of the Department of Consumer and Regulatory Affairs relating to the duties and functions assigned herein are transferred to the independent Office of the Tenant Advocate.

Sec. 5. Applicability.

Section 2 through 4 shall apply as of October 1, 2007.

Sec. 6. 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. 7. 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.

Chairman
Council of the District of Columbia

Mayor
District of Columbia