

**Testimony of Julie Becker
Legal Aid Society of the District of Columbia¹**

**Committee on Public Services and Consumer Affairs
Council of the District of Columbia**

Bill 18-484, the “Tenant Bill of Rights Amendment Act of 2009”

November 12, 2009

The Legal Aid Society supports the Tenant Bill of Rights Amendment Act, and applauds the Council for taking steps to ensure that D.C. tenants know their rights. The District of Columbia has some of the country’s strongest tenant protections, and it is critical that tenants be aware of the valuable rights and options at their disposal.

But tenant rights are only as good as the tools for enforcing them. And, as I have testified to this committee before, the enforcement mechanisms for tenants – particularly in the area of safe and decent housing – are sorely lacking. A bill currently pending before your committee would fix that problem, by giving tenants the power to file affirmative suits in D.C.’s landlord-tenant court. We ask you to take action on that bill, and to support the similar measure currently before the Committee on Housing and Workforce Development.

As you know, under current law, there is no quick, easy forum for tenants to assert their rights. The only meaningful way for a tenant to take legal action against the landlord regarding repairs is to withhold rent and be sued for eviction. This is a risky strategy that puts the tenant’s home immediately and unnecessarily in danger.

Nor do tenants have any other effective forum for legal claims. The Civil Division of Superior Court is expensive, slow, and virtually impossible to navigate without an attorney. Neither Small Claims Court nor the tenant petition process can award injunctive relief, making them inappropriate forums for tenants who seek an order for repairs.

Without a forum for tenant complaints, enacting a bill to ensure that tenants know their rights is, at best, an incomplete gesture. More meaningful change would involve the solution included in the Omnibus Rental Housing Amendments Act, pending before your committee: authorizing tenants to bring affirmative claims in Landlord-Tenant Court.

¹ The Legal Aid Society of the District of Columbia was formed in 1932 to “provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs.” Over the last 77 years, tens of thousands of the District’s neediest residents have been served by Legal Aid staff and volunteers. Legal Aid currently works in the areas of housing, family law, and public benefits.

The Superior Court has convened a committee to investigate the possibility of creating a mechanism for tenants to bring affirmative cases regarding repairs. During the hearing on the Omnibus bill last June, the Office of Tenant Advocate urged your committee to suspend consideration of the legislation on this subject until after the summer recess, so as to give the Court a chance to take action itself. But the Court has not taken action – and nearly half a year later, we are essentially no closer to having the Court enact this reform than we were last June.

The time for legislative action is now. As I testified to you in June, the notion that tenants should have access to the courts in a manner on par with landlords has been on the table for years. It has been urged repeatedly – but nothing has changed.

We applaud the Council for taking steps toward enacting a Tenants' Bill of Rights, and for recognizing the importance of tenant knowledge and education. But something more is needed to make those rights meaningful. We ask you to pair this bill with the measures already pending before your committee and others, to give tenants the ability to enforce their rights in court.