

July 9, 2018

The Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Sent via Electronic Mail

Dear Members of Council:

We write to urge you to vote NO on the Eviction with Dignity Emergency Amendment Act of 2018 and the Eviction with Dignity Temporary Amendment Act of 2018 when it comes up for a vote this Tuesday, July 10. These pieces of legislation, which would repeal emergency legislation that the Council passed just two weeks ago, would harm District tenants living with low incomes by making it more likely that they will lose all of their possessions.

On June 26th, the DC Council unanimously passed the Eviction Reform Emergency Amendment Act of 2018. The Act was a necessary response to a recently-announced policy change by the U.S. Marshals Services around eviction procedures, and more importantly, a step toward creating a more dignified eviction process in the District. Currently, when a tenant is evicted, the Marshals supervise the removal of the tenant's belongings from the unit, with those belongings left on the curb. This spring, the Marshals announced that, instead of supervising removal of belongings, they would simply supervise the landlord changing the locks to the unit, leaving tenant's belongings locked inside.

The Eviction Reform Emergency Amendment Act – drafted through a working group process in cooperation with representatives of large housing providers – will require that landlords move belongings locked in the unit to an off-site storage facility, pre-paying for 30 days of storage. This will allow tenants time to access and move their belongings while not hindering the re-renting of the unit. The Eviction Reform Emergency Amendment Act brings the District in line with many other jurisdictions that have a storage requirement, including New York City, Boston, Connecticut, and others.

In spite of the unanimous passage of this legislation, as well as continuing discussions among landlord and tenant stakeholders about potential ways to improve it, last Thursday, Chairman Mendelson circulated his own emergency legislation to repeal and replace it, stripping tenants of the new protections already unanimously approved by Council just nine days earlier. The new legislation (problematically called the "Eviction with Dignity Emergency Amendment Act of 2018") would remove the storage requirement, requiring the landlord to hold the tenant's belongings in the unit for just 48 hours and give the tenant a single three-hour window to remove those belongings. After that point, the legislation would allow the landlord to dispose of the tenant's belongings, **including by selling the belongings and keeping the profits to cover the cost of the eviction.**

Not only would this legislation remove protections that the Council just approved by a 13-0 vote, it would harm tenants living on low incomes. Because the Marshals' simplified eviction process will likely allow evictions to proceed more quickly, tenants will have less time to access emergency assistance through programs like ERAP¹¹ to potentially stay in their homes or to identify a place to move their belongings. With little time to access assistance, and only a 3-hour window to move their belongings once the locks have been changed, it is far more likely that tenants will be thrown into homelessness and have their belonging thrown away – or sold off – two days later.

For low-income tenants, the contents of their homes represent the sum total of their assets (not to mention sentimental belongings like family photos and heirlooms) and the loss of those belongings due to a period of homelessness is catastrophic. Lost belongings often include vital records and other documents that they may need in order to access assistance after eviction –including, potentially, from the homeless services system. Allowing landlords to dispose of these tenants' belongings in this manner is cruel, counterproductive, and inconsistent with the District's values. And it is deeply damaging to District residents of color and of limited income, who are all-too-often vulnerable to eviction.

We urge you to stand by the votes that you took on June 26. To do this, you should vote NO on the Eviction with Dignity Emergency Amendment Act of 2018 and the Eviction with Dignity Temporary Amendment Act of 2018.

Sincerely,

Legal Aid Society of the District of Columbia
Bread for the City
Children's Law Center
Legal Counsel for the Elderly
University of the District of Columbia, David A. Clarke School of Law
Washington Lawyers' Committee for Civil Rights and Urban Affairs
Washington Legal Clinic for the Homeless
Peter Edelman, Carmack Waterhouse Professor of Law and Public Policy, Georgetown Law Center

[\[1\]](#) Many ERAP providers require a tenant to have a Writ of Restitution prior to giving them an appointment and it often take more than 14 days to process an ERAP application, making it virtually impossible for tenants to get ERAP under the new faster eviction process.