

# **Critical Changes Needed to Improve New Eviction Procedure**

## *Eviction with Dignity Amendment Act of 2018 (B22-0809)*

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*LOSING YOUR HOME AND POSSESSIONS AND OFTEN YOUR  
JOB, AND SUFFERING FROM INCREASED MATERIAL  
HARDSHIP, HOMELESSNESS, DEPRESSION AND ILLNESS –  
THIS IS EVICTION’S FALLOUT.*

*-MATTHEW DESMOND*

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**We ask that the following amendments be made to ensure that DC is making meaningful progress toward reducing the trauma of eviction. We also ask that Councilmembers commit to exploring a public storage program in the next legislative session.**

- **Amendment One: Expand the pre-eviction notice period from 14 days to 21.** According to the US Marshal Service’s most recent data, evictions happen an average of 28 days after the issuance of the writ. Expanding the notice period to 21 days does not prolong the eviction process; it simply gives tenants more time to access Emergency Rental Assistance or otherwise gather the funds to redeem the tenants. Or, if a tenant simply cannot preserve the tenancy, it gives them more time to pack their belongings and move. This benefits both the tenants and the housing providers, as the goal should be for as few evictions to happen as possible.
- **Amendment Two: Increase the in-unit storage period.** As introduced, the Evictions with Dignity Act included 10 days of in-unit storage. The permanent legislation should provide at least that many days, rather than the 7 days in the current bill. The loss of all of one’s belongings is too big a risk to reduce these protections, even by just a few days.
- **Amendment Three: Improve the notice to tenants.** All parties benefit from a clear and thorough notice. We have observed a lot of confusion from tenants and landlords alike, and believe that a few small changes to the notice requirement would address that concern. Specifically, the notice should include a certain date when the in-unit storage period will end. This eliminates the risk of miscalculation and second-guessing, and ensures that all parties are on the same page. The notice should also include the name and contact information for the landlord’s representative who will arrange a time for the tenant to collect his/her belongings, so the tenant knows exactly who to call.

And, finally, if an eviction is rescheduled for any reason, the landlord should be required to serve a new 48 hour notice. Currently, if an eviction is rescheduled, the tenant may not know when the marshals will come back to change the locks, so it could happen while a tenant is at work, or otherwise unable to be present. It is simply fair for tenants to be notified in advance of being locked out of their homes.

- **Amendment Four: The law should apply to all residential evictions in the District.** Due to a fluke of drafting, the bill does not apply to certain types of residential evictions in DC, specifically those not arising under the Rental Housing Act (“RHA”). But, there are lots of types of housing in DC that don’t fall under the RHA, and each of those goes through the same process for eviction in the DC Superior Court, so there is no reason to have a different post-eviction process.

For example, someone whose name is not on a lease because they joined the household after it was signed – perhaps due to marriage, or to care for an ailing relative – would not get the protections of this law. That could include spouses, children, and caregivers of tenants, even if the rent on the unit is fully paid. It also includes tenants of certain nonprofit housing providers that also provide social services. These are among the most vulnerable tenants in the District, and the most likely to experience homelessness after eviction, so they certainly should get the storage protections this bill provides. There is no good policy reason to exclude certain categories of people from the protections of this law, and in fact, the lack of uniform applicability only causes chaos and confusion. Instead, the law should apply to all evictions pursuant to an order of the DC Superior Court.

- **Amendment Five: Include a meaningful enforcement mechanism for tenants.** As drafted, the bill allows tenants to seek injunctive relief if their landlord fails to grant access to their belongings post-eviction. But it does not make clear that that relief is and should be available pre-eviction, including if the landlord fails to serve adequate notice. Clarifying that tenants have the right to obtain injunctive relief in the event a landlord fails to comply with the new law will significantly improve this bill.

This legislation has important implications for the prevention of unnecessary evictions, and for families who must rebuild their lives following eviction. For this reason, we urge members of the Council to address problems with the current committee print before moving it forward.

These recommendations were developed by a broad coalition that included Bread for the City, DC Coalition Against Domestic Violence, DC Fiscal Policy Institute, Howard University Housing Clinic, Legal Aid Society of the District of Columbia, Legal Counsel for the Elderly, Neighborhood Legal Services Program, and Washington Legal Clinic for the Homeless. For more information, please contact Damon King ([dking@legalaiddc.org](mailto:dking@legalaiddc.org), 202-661-5956) or Rachel Rintelmann ([rrintelmann@legalaiddc.org](mailto:rrintelmann@legalaiddc.org), 202-386-6672).