

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 42.**  
**REAL PROPERTY.**

**CHAPTER 35A.**  
**RENTAL HOUSING: TENANT ADVOCACY.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 35A. RENTAL HOUSING: TENANT**  
**ADVOCACY.**

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# CHAPTER 35A. RENTAL HOUSING: TENANT ADVOCACY.

## § 42-3531.01. SHORT TITLE.

This chapter may be cited as the "Office of the Chief Tenant Advocate Establishment Act".

(Oct. 20, 2005, D.C. Law 16-33, § 2061, 52 DCR 7503; Oct. 1, 2007, D.C. Law 16-181, § 2(a), 53 DCR 6703.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 16-181 deleted "of 2005" following "Act".

#### *Emergency Act Amendments*

For temporary (90 day) addition, see § 2061 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

#### *Legislative History of Laws*

Law 16-33, the "Fiscal Year 2006 Budget Support Act of 2005", was introduced in Council and assigned Bill No. 16-200 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 10, 2005, and June 21, 2005, respectively. Signed by the Mayor on July 26, 2005, it was assigned Act No. 16-166 and transmitted to both Houses of Congress for its review. D.C. Law 16-33 became effective on October 20, 2005.

Law 16-181, the "Independent Office of the Tenant Advocate Establishment Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-757, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 21, 2006, it was assigned Act No. 16-459 and transmitted to both Houses of Congress for its review. D.C. Law 16-181 became effective on November 16, 2006.

#### *Effective Dates*

Section 5 of D.C. Law 16-181 provides: "Section 2 through 4 shall apply as of October 1, 2007."

## § 42-3531.02. PURPOSE.

The purpose of this chapter is to establish the Office of the Tenant Advocate as an independent agency to advocate on behalf of the education of, and outreach to, tenants and the people of the District.

(Oct. 20, 2005, D.C. Law 16-33, § 2062, 52 DCR 7503; Oct. 1, 2007, D.C. Law 16-181, § 2(b), 53 DCR 6703.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 16-181 substituted "as an independent agency" for "as an office within the Department of Consumer and Regulatory Affairs".

#### *Emergency Act Amendments*

For temporary (90 day) addition, see § 2062 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

#### *Legislative History of Laws*

For Law 16-33, see notes following § 42-3531.01.

For Law 16-181, see notes following § 42-3531.01.

#### *Effective Dates*

Section 5 of D.C. Law 16-181 provides: "Section 2 through 4 shall apply as of October 1, 2007."

### **§ 42-3531.03. FINDINGS.**

The Council finds that, despite the fact that the District has some of the most comprehensive pro-tenant laws in the United States:

- (1) Tenants in the District are under-informed of their rights.
- (2) It is difficult for tenants to obtain information.
- (3) Tenants cannot usually afford legal representation.
- (4) Tenants are under-informed about dispute mediation and adjudication options available to tenants in the District through the courts and through the Office of the Attorney General.
- (5) Few tenants have time for self-advocacy because of their full-time employment.
- (6) Tenants in the District need an independent Chief Tenant Advocate to act on their behalf as repository of information and resources to help guide tenants through the landlord-tenant system in the District.
- (7) The establishment of an independent Office of the Tenant Advocate will provide a valuable resource for the government and residents of the District.

(Oct. 20, 2005, D.C. Law 16-33, § 2063, 52 DCR 7503; Oct. 1, 2007, D.C. Law 16-181, § 2(c), 53 DCR 6703.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 16-181, in par. (6), substituted "independent Chief Tenant Advocate" for "office at the Department of Consumer and Regulatory Affairs"; and, in par. (7), substituted "independent Office of the Tenant Advocate" for "Office of the Tenant Advocate within the Department of Consumer and Regulatory Affairs".

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 2063 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

##### *Legislative History of Laws*

For Law 16-33, see notes following § 42-3531.01.

For Law 16-181, see notes following § 42-3531.01.

#### *Effective Dates*

Section 5 of D.C. Law 16-181 provides: "Section 2 through 4 shall apply as of October 1, 2007."

### **§ 42-3531.04. DEFINITIONS.**

For the purposes of this chapter, the term:

- (1) "Chief" means Chief Tenant Advocate established by § 42-3531.06.
- (2) "Office" means the Office of the Tenant Advocate established by § 42-3531.05.
- (3) "TAC" means Tenant Advisory Council.
- (4) "Tenant" and "tenant organization" shall have the same meaning as in § 42-3401.03(17) and (18), and shall include any other tenant organization.

(Oct. 20, 2005, D.C. Law 16-33, § 2064, 52 DCR 7503.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 2064 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

##### *Legislative History of Laws*

For Law 16-33, see notes following § 42-3531.01.

## **§ 42-3531.05. ESTABLISHMENT OF OFFICE OF THE TENANT ADVOCATE.**

The Office of the Tenant Advocate is established as an independent agency within the District government.

(Oct. 20, 2005, D.C. Law 16-33, § 2065, 52 DCR 7503; Oct. 1, 2007, D.C. Law 16-181, § 2(d), 53 DCR 6703.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 16-181 substituted "independent agency within the District government" for "office within the Department of Consumer and Regulatory Affairs".

#### *Emergency Act Amendments*

For temporary (90 day) addition, see § 2065 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

#### *Legislative History of Laws*

For Law 16-33, see notes following § 42-3531.01.

For Law 16-181, see notes following § 42-3531.01.

#### *Effective Dates*

Section 5 of D.C. Law 16-181 provides: "Section 2 through 4 shall apply as of October 1, 2007."

#### *Miscellaneous Notes*

Transfer of functions of Office of the Tenant Advocate of the Department of Consumer and Regulatory Affairs: Section 4 of D.C. Law 16-181 provides: "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."

## **§ 42-3531.06. CHIEF TENANT ADVOCATE OF THE OFFICE OF THE TENANT ADVOCATE.**

(a) There shall be a Chief Tenant Advocate who shall be responsible for the administration of the Office and implementation of the duties of the Office.

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

(c)(1) The Chief shall be a statutory officeholder in the Excepted Service pursuant to § 1-609.08 and shall receive annual compensation equivalent to that received by a District employee compensated at the grade of 15 of the District schedule established under subchapter XI of Chapter 6 of Title 1 ("District schedule"). No other employee of the Office shall receive annual compensation above the level of that received by a District employee at a grade 14 pursuant to the District schedule.

(2) The Chief shall be a resident of the District of Columbia or become a resident not more than 180 days after the date of appointment, and shall remain a resident.

(d) The Office shall employ the staff necessary, including attorneys, to assist the Chief in carrying out his or her duties.

(Oct. 20, 2005, D.C. Law 16-33, § 2066, 52 DCR 7503; Oct. 1, 2007, D.C. Law 16-181, § 2(e), 53 DCR 6703.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 16-181 rewrote subsec. (b); in subsec. (c)(2), substituted "and shall remain a resident" for "and shall remain a resident, unless temporarily or permanently exempted from these requirements by the Mayor or for good cause"; and, in subsec. (d), substituted "The Office shall employ the staff necessary, including attorneys," for "The Office shall employ the staff necessary". Prior to amendment, subsec. (b) read as follows:

"(b) The Chief shall be appointed by the Mayor with the advice and consent of the Council. The Chief shall

report directly to the Director of the Department of Consumer and Regulatory Affairs."

*Emergency Act Amendments*

For temporary (90 day) addition, see § 2066 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

*Legislative History of Laws*

For Law 16-33, see notes following § 42-3531.01.

For Law 16-181, see notes following § 42-3531.01.

*Effective Dates*

Section 5 of D.C. Law 16-181 provides: "Section 2 through 4 shall apply as of October 1, 2007."

## **§ 42-3531.07. DUTIES OF THE OFFICE OF THE TENANT ADVOCATE.**

The Office shall:

- (1) Provide education and outreach to tenants and the community about laws, rules, and other policy matters involving rental housing, including tenant rights under the petition process and formation of tenant organizations;
- (2) Represent the interests of tenants and tenant organizations in legislative, executive, and judicial issues, including advocating changes in laws and rules and reviewing landlord petitions on behalf of tenants;
- (3) Advise tenants and tenant organizations on filing complaints and petitions, including petitions in response to disputes with landlords;
- (4) Advise and assist tenants and tenant organizations at conciliation meetings;
- (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;
- (6) Organize tenant and tenant organizations participation in building-wide inspections;
- (6A) Provide emergency housing and relocation assistance to qualified tenants, as determined by the Office, including payments for:
  - (A) The short-term relocation of tenants to hotels, motels, or other appropriate accommodations;
  - (B) The moving and storage of personal property;
  - (C) Rental application fees, security deposits, and utility deposits; and
  - (D) The first month's rent; and
- (7) Operate a Tenant Phone Hotline and Tenant Center.

(Oct. 20, 2005, D.C. Law 16-33, § 2067, 52 DCR 7503; Mar. 8, 2007, D.C. Law 16-236, § 3, 54 DCR 391; Oct. 1, 2007, D.C. Law 16-181, § 2(f), 53 DCR 6703; Sept. 14, 2011, D.C. Law 19-21, § 2072, 58 DCR 6226.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 16-236 rewrote the section which had read as follows:

"The Office shall:

- "(1) Provide education and outreach to tenants and the community about laws, rules, and other policy matters involving rental housing, including tenant rights under the petition process and formation of tenant organizations;
- "(2) Represent the interest of tenants in legislative, executive, and judicial issues, including advocating changes in laws and rules and reviewing landlord petitions on behalf of tenants;
- "(3) Advise tenants on filing complaints and petitions, including petitions in response to disputes with landlords;
- "(4) Advise and assisting tenants at conciliation meetings;
- "(5) Represent tenants in court or administrative proceedings;

"(6) Organize tenant participation in building-wide inspections; and

"(7) Operate a Tenant Phone Hotline and Tenant Center."

D.C. Law 16-181, in par. (2), substituted "interests" for "interest"; rewrote par. (5); in par. (6), deleted "and" from the end; and added par. (6A). Prior to amendment, par. (5) read as follows:

"(5) Represent tenants and tenant organizations in court or administrative proceedings;"

D.C. Law 19-21 rewrote par. (6A), which formerly read:

"(6A) Manage and administer the Housing Assistance Fund established by § 42- 3403.07; and"

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 3 of Additional Sanctions for Nuisance Abatement and Office of the Tenant Advocate Duties Clarification Temporary Amendment Act of 2006 (D.C. Law 16-183, November 16, 2006, law notification 53 DCR 9650).

#### *Emergency Act Amendments*

For temporary (90 day) addition, see § 2067 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

For temporary (90 day) amendment of section, see § 3 of Additional Sanctions for Nuisance Abatement and Office of the Tenant Advocate Duties Clarification Emergency Amendment Act of 2006 (D.C. Act 16-408, June 26, 2006, 53 DCR 5428).

For temporary (90 day) amendment of section, see § 3 of Additional Sanctions for Nuisance Abatement and Office of the Tenant Advocate Duties Clarification Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-479, September 22, 2006, 53 DCR 7938).

#### *Legislative History of Laws*

For Law 16-33, see notes following § 42-3531.01.

For Law 16-181, see notes following § 42-3531.01.

For Law 16-236, see notes following § 42-3131.10.

For history of Law 19-21, see notes under § 42-2802.

#### *Effective Dates*

Section 5 of D.C. Law 16-181 provides: "Section 2 through 4 shall apply as of October 1, 2007."

#### *Miscellaneous Notes*

Short title: Section 2071 of D.C. Law 19-21 provided that subtitle H of title II of the act may be cited as "Office of the Tenant Advocate Establishment Amendment Act of 2011".

## **§ 42-3531.08. ESTABLISHMENT, PURPOSE, AND MEMBERSHIP OF THE TENANT ADVISORY COUNCIL.**

(a) Within 60 days of October 20, 2005, the Mayor shall establish a Tenant Advisory Council to review the progress of the Office in fulfilling its mandate from its inception and to make recommendations for improving the services of the Office.

(b) The TAC shall be composed of tenant organizers, representatives of tenant associations, and other tenant advocates with no connection to commercial real estate interests.

(c) The TAC shall monitor and report on the progress of the Office.

(d) Members of the TAC shall receive no compensation for service as members of the TAC.

(Oct. 20, 2005, D.C. Law 16-33, § 2068, 52 DCR 7503.)

#### *HISTORICAL AND STATUTORY NOTES*

#### *Emergency Act Amendments*

For temporary (90 day) addition, see § 2068 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

#### *Legislative History of Laws*

For Law 16-33, see notes following § 42-3531.01.

## **§ 42-3531.09. HOUSING ASSISTANCE FUND.**

The Housing Assistance Fund established by § 42-3403.07, shall be administered and managed by the Office of the Tenant Advocate.

(Oct. 20, 2005, D.C. Law 16-33, § 2068a, as added Oct. 1, 2007, D.C. Law 16-181, § 2(g), 53 DCR 6703.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For Law 16-181, see notes following § 42-3531.01.

*Effective Dates*

Section 5 of D.C. Law 16-181 provides: "Section 2 through 4 shall apply as of October 1, 2007."

**§ 42-3531.10. 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 chapter.

(Oct. 20, 2005, D.C. Law 16-33, § 2068b, as added Oct. 1, 2007, D.C. Law 16-181, § 2(g), 53 DCR 6703.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For Law 16-181, see notes following § 42-3531.01.

*Effective Dates*

Section 5 of D.C. Law 16-181 provides: "Section 2 through 4 shall apply as of October 1, 2007."