

A BILL

22-640

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



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To amend the Rental Housing Act of 1985 to clarify the independent status of the Rental Housing Commission.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Rental Housing Commission Independence Clarification Amendment Act of 2018”.

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(a) Section 103 (D.C. Official Code § 42-3501.03) is amended by adding a new paragraph (16A) to read as follows:

“(16A) “Independent agency” shall have the meaning provided that term in D.C. Official Code § 2-502(5).”.

(b) Section 201 (D.C. Official Code § 42-3502.01) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Lead in text is added to read as follows:

“(a) The Rental Housing Commission (“Commission”) is established as an independent agency within the executive branch of the District government.”.

(B) Paragraph (1) is amended by striking the phrase “and shall be

27 composed of 3 members appointed by the Mayor with the advice and consent of the Council”.

28 (2) Subsection (b) is amended to read as follows:

29 “(b) The Rental Housing Commission shall be composed of 3 members appointed by the  
30 Mayor for a 3-year term, with the advice and consent of the Council by resolution.”.

31 (3) Subsection (b-1) is amended by striking the word “A” and inserting the word  
32 “Each” in its place.

33 (4) Subsection (e) is amended by striking the phrase “for good cause” and  
34 inserting the phrase “for good cause only, subject to the right of appeal; provided, that the Mayor  
35 shall provide the Council with a written justification within 30 days of the removal” in its place.

36 (5) New subsections (f) and (g) are added to read as follows:

37 “(f) The Rental Housing Commission shall be headed by a Chairperson who shall be  
38 accountable and responsible for the fairness, impartiality, effectiveness, and efficiency of the  
39 Rental Housing Commission.

40 “(1) The Chairperson shall:

41 “(A) Be appointed by the Mayor as Chairperson, with the advice and  
42 consent of the Council by resolution;

43 “(B) Be the administrative head of the Rental Housing Commission;

44 “(C) Supervise the Rental Housing Commission;

45 “(D) Develop and implement a code of professional responsibility for  
46 members of the Rental Housing Commission;

47 “(E) Oversee and administer assignment of Commissioners to preside  
48 over adjudicated cases heard by the Rental Housing Commission;

49                           “(F) Monitor and supervise the quality of administrative adjudication;

50                           “(G) Issue and implement procedures, practices, and guidelines relating to  
51 the operations or responsibilities of the Rental Housing Commission; and

52                           “(H) Issue and transmit to the Mayor and the Council an annual report on  
53 the operations of the Rental Housing Commission. The annual report shall include performance  
54 evaluations and case statistics for each member of the Rental Housing Commission from the  
55 filing of a case to disposition.

56                           “(2) The Chairperson may:

57                           “(A) Develop and implement a code of professional responsibility for  
58 members of the Rental Housing Commission;

59                           “(B) Establish necessary or desirable standard and specialized training  
60 programs for members of the Rental Housing Commission;

61                           “(C) Provide for, or require completion of, continuing education programs  
62 for members of the Rental Housing Commission and other employees of the Rental Housing  
63 Commission deemed to be necessary or desirable;

64                           “(D) Develop and implement annual performance standards for the  
65 management and disposition of cases assigned to members of the Rental Housing Commission,  
66 which shall take account of subject matter and case complexity;

67                           “(E) Appoint, in accordance with applicable law and available funding,  
68 promote, discipline, and remove staff employed by the Rental Housing Commission, other than  
69 members of the Rental Housing Commission;

70                           “(F) Develop and maintain a program for student interns and law clerks to  
71 work at the Rental Housing Commission; and

72                           “(G) Exercise any other lawful authority to effectuate the purposes of this  
73 chapter.

74                   “(g) Each members of the Rental Housing Commission shall:

75                           “(1) Be accountable and responsible for the fair, impartial, effective, and  
76 efficient disposition of cases to which they are assigned;

77                           “(2) Possess judicial temperament, expertise, experience, analytical, and other  
78 skills necessary and desirable for a member of the Rental Housing Commission;

79                           “(3) Engage in no conduct inconsistent with the duties, responsibilities, and  
80 ethical obligations of a member of the Rental Housing Commission;

81                           “(4) Take an oath of office, as required by law, prior to the commencement of  
82 duties;

83                           “(5) Have at least 7 years of experience in the practice of law;

84                           “(6) Be a member in good standing of the District of Columbia Bar at the time he  
85 or she assumes office and throughout his or her tenure as a member of the Rental Housing  
86 Commission;

87                           “(7) Devote full-time to the duties of the Rental Housing Commission and shall  
88 not engage in the practice of law, or perform any other duties that are inconsistent with the duties  
89 and responsibilities of a member of the Rental Housing Commission;

90                           “(8) Be a resident of the District of Columbia or become a resident of the District  
91 of Columbia within 180 days of his or her taking office;

92                   “(9) Have the powers and duties specified in this chapter, and the powers,  
93 privileges, and immunities of a member of the Rental Housing Commission;

94                   “(10) Not be responsible to, or subject to the supervision or direction of, an  
95 officer, employee, attorney, or agent engaged in the performance of investigative, prosecutorial,  
96 or advisory functions for another agency;

97                   “(11) Conform to all legally applicable standards of conduct; and

98                   “(12) Not be either a housing provider or a tenant.”.

99                   (c) Section 202 (D.C. Official Code § 42-3502.02) is amended as follows:

100                   (1) Subsection (a)(2) is amended by striking the phrase “Rent Administrator” and  
101 inserting the phrase “Rent Administrator and the Office of Administrative Hearings” in its place.

102                   (2) Subsection (d) is amended by striking the sentence “The Department of  
103 Housing and Community Development shall employ the staff necessary to assist the Commission  
104 in carrying out its functions.” and inserting the sentence “The Rental Housing Commission shall  
105 employ the staff necessary for the Rental Housing Commission to carry out its functions.” in its  
106 place.

107                   (3) New subsections (e) through (k) are added to read as follows:

108                   “(e) Nothing in this chapter shall be construed as granting the Department of Housing  
109 and Community Development or any other agency of the District government power or authority  
110 over the Rental Housing Commission or its staff.

111                   “(f) The Mayor shall provide funding for the Rental Housing Commission in the annual  
112 budget request to the Council as a separate program code.

113           “(g) The Rental Housing Commission shall submit annual oversight and budget reports to  
114 the Council.

115           “(h) The Chief Financial Officer shall make an intra-district transfer from the Department  
116 of Housing and Community Development to the Rental Housing Commission, within 30 days of  
117 the effective date of this act.

118                   “(1) The intra-district transfer shall be calculated as a pro rata share of the  
119 baseline budget funds and full-time equivalent positions that the Department of Housing and  
120 Community Development contributed to the Rental Housing Commission to carry out its  
121 functions, as prepared by the Office of the Chief Financial Officer for the Department of  
122 Housing and Community Development during the fiscal year of the effective date of this act.

123                   “(2) All property associated with the Department of Housing and Community  
124 Development’s actions to assist the Rental Housing Commission to carry out its functions shall  
125 be transferred to the Rental Housing Commission, within 30 days of the effective date of this act.

126           “(i) No person outside the Rental Housing Commission shall participate in or in any way  
127 influence or attempt to influence, except through the ordinary litigation process, the fair and  
128 independent decision-making process in an adjudicated case before the Rental Housing  
129 Commission.

130           “(j) All documents filed in any case before the Rental Housing Commission shall be  
131 available to the public for review unless a statute, protective order, or other legal requirement  
132 prohibits disclosure.

133           “(k) The Rental Housing Commission shall be subject to audit and examination on the  
134 same basis as other District of Columbia government agencies.”.

135           Sec. 3. Applicability.

136           (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved  
137 budget and financial plan.

138           (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in  
139 an approved budget and financial plan, and provide notice to the Budget Director of the Council  
140 of the certification.

141           (c)(1) The Budget Director shall cause the notice of the certification to be published in  
142 the District of Columbia Register.

143           (2) The date of publication of the notice of the certification shall not affect the  
144 applicability of this act.

145           Sec. 4. Fiscal impact statement.

146           The Council adopts the fiscal impact statement in the committee report as the  
147 fiscal impact statement required by section 4a of the General Legislative Procedures Act  
148 of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

149           Sec. 5. Effective date.

150           This act shall take effect following approval by the Mayor (or in the event of veto  
151 by the Mayor, action by the Council to override the veto), a 30-day period of  
152 congressional review as provided in section 602(c)(1) of the District of Columbia Home  
153 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-  
154 206.02(c)(1)), and publication in the District of Columbia Register.