

AN ACT

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District of  
Columbia  
Official Code

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Rental Housing Act of 1985 to ensure independent decision-making by the Rent Administrator, to clarify that the role and purpose of the Housing Regulation Administration is to provide administrative support to the Rental Accommodations Division and the Conversion and Sale Division within the Department of Housing and Community Development, and to clarify that the Office of Administrative Hearings may adjudicate complaints of nonpayment of interest on security deposits.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Housing Regulation Administration Amendment Act of 2008".

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(10) (D.C. Official Code § 42-3401.03(10)) is amended to read as follows:

Amend  
§ 42-3401.03

“(10) "Division" means the Rental Accommodations Division established by section 203 or the Rental Conversion and Sale Division established by section 204a.”.

(b) Section 203 (D.C. Official Code § 42-3502.03) is amended to read as follows:

Amend  
§ 42-3502.03

"Sec. 203. Rental Accommodations Division of the Department of Housing and Community Development.

“There is established within the Department of Housing and Community Development the Rental Accommodations Division, which shall have as its head a Rent Administrator.”.

(c) Section 203a is redesignated as section 204b.

(d) A new section 203a is added to read as follows:

“Sec. 203a. Rent Administrator - Appointment and removal.

“(a) The Rent Administrator shall be appointed by the Mayor with the advice and consent of the Council.

“(b) The Mayor shall transmit a nomination of the Rent Administrator to the Council, for a 90-day period of review, excluding days of Council recess, including any Rent Administrator holding that position on the effective date of the Housing Regulation

Administration Amendment Act of 2008, passed on 2<sup>nd</sup> reading on December 16, 2008 (Enrolled version of Bill 17-979). If the Council does not approve by resolution a nomination of the Rent Administrator within the 90-day period of review, the nomination shall be deemed disapproved.

“(c) The Rent Administrator shall serve a 3-year term. The Mayor may appoint the same person to serve as the Rent Administrator for successive terms subject to the advice and consent of the Council as provided by subsection (b) of this section.

“(d) The Mayor shall nominate a Rent Administrator within 6 months of:

“(1) The effective date of the Housing Regulation Administration Amendment Act of 2008, passed on 2<sup>nd</sup> reading on December 16, 2008 (Enrolled version of Bill 17-979); or

“(2) The occurrence of a vacancy in the position of Rent Administrator.

“(e) The Mayor shall remove the Rent Administrator for cause only; provided, that the Mayor shall provide the Council with a written justification within 30 days of the removal.”.

(e) A new section 203b is added to read as follows:

“Sec. 203b. Rent Administrator - Qualifications and compensation.

“The Rent Administrator shall:

“(1) Be admitted to practice before the District of Columbia Court of Appeals by the time the Rent Administrator’s term of office commences;

“(2) Be a resident of the District within 6 months of the commencement of the Rent Administrator’s term of office;

“(3) Possess skills and expertise relevant to rental housing, preferably in the area of rent control or rent stabilization; and

“(4) Receive annual compensation equivalent to that received by a District employee compensated at the grade of 15 of the District schedule established under Title XI of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.01 *et seq.*).”.

(f) A new section 204a is added to read as follows:

“Sec. 204a. Rental Conversion and Sale Division of the Department of Housing and Community Development Rental Conversion and Sale Administrator.

“(a) There is established within the Department of Housing and Community Development the Rental Conversion and Sale Division, which shall have as its head a Rental Conversion and Sale Administrator.

“(b) The Rental Conversion and Sale Administrator shall receive annual compensation equivalent to that received by a District employee compensated at the grade of 15 of the District schedule established under Title XI of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.01 *et seq.*).”.

(g) A new section 204c is added to read as follows:

“Sec. 204c. Housing Regulation Administration; Housing Regulation Administrator.

“(a) There is established within the Department of Housing and Community

Development, the Housing Regulation Administration, which shall have as its head a Housing Regulation Administrator. The Housing Regulation Administrator shall be appointed by, and report directly to, the Director of the Department of Housing and Community Development.

“(b)(1) The Housing Regulation Administration shall provide such administrative support to the Rent Administrator and the Rental Conversion and Sale Administrator as may be necessary to fulfill their statutory and regulatory responsibilities.

“(2) The Housing Regulation Administrator shall work cooperatively with the Rent Administrator and the Rental Conversion and Sale Administrator to promote administrative efficiency, complete and accurate record-keeping, and the prompt review and disposition of matters pending before them.

“(3) The Housing Regulation Administrator shall not have a supervisory role over the Rent Administrator and the Rental Conversion and Sale Administrator.”

(h) Section 217(b) (D.C. Official Code § 42-3502.17(b)) is amended by adding the phrase “and for the nonpayment of interest on tenant security deposits” after the phrase “tenant security deposits”.

Amend  
§ 42-3502.17

**Sec. 3. Fiscal impact statement.**

The Council adopts the December 15, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code 1-206.02(c)(3)).

**Sec. 4. Effective date.**

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as

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provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code 1-206.02(c)(1), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia