

COUNCIL OF THE DISTRICT OF COLUMBIA

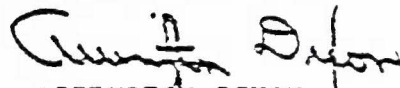
NOTICE

D.C. LAW 3-94

"Prohibition of Electric and Gas Utility Service Terminations to Master-Metered Apartment Buildings Act of 1980".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 3-186, on first and second readings, June 3, 1980 and June 17, 1980, respectively. Following the signature of the Mayor on July 9, 1980, this legislation was assigned Act No. 3-216, published in the August 15, 1980, edition of the D.C. Register, (Vol. 27 page 3500) and transmitted to Congress on July 15, 1980 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and, therefore, cites this enactment as D.C. Law 3-94 effective September 13, 1980.



ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 21, 22, 23, 24, 25, 28, 29, 30, 31
August 1, 4, 5, 6, 13, 19, 20, 21, 22, 25, 26, 27, 28
September 3, 4, 5, 8, 9, 10, 11, 12

D.C. LAW 3-94
EFFECTIVE DATE SEP 13 1980

Enrolled Ord 522A

AN ACT

D.C. ACT 3 - 216

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 9 1980

To prohibit termination of electric and gas utility services, under the jurisdiction of the Public Services Commission, to master-metered apartment buildings, to authorize tenants to deduct from rent payments made for utility service and to authorize the Superior Court to appoint a receiver for monies owed for utility service.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Prohibition of Electric and Gas Utility Service Terminations to Master-Metered Apartment Buildings Act of 1980".

Sec. 2. For the purposes of this act:

- (1) The term "apartment house" means any building or part thereof, not used primarily for transient occupancy, in which there are three (3) or more apartments, each with one (1) or more habitable rooms with kitchen and bathroom facilities exclusively for use of and under the control of the occupants thereof.

D.C. Code,
Sec. 43-341

~~CHAPTER 3, SUBCHAPTER 11~~
D.C. Code, Title 43,
CHAPTER 3, SUBCHAPTER 11

Enclosed Original

(2) The term "tenant" means any person who holds or possesses a habitation in subordination to the title of the owner of the premises in which such habitation is located, with the consent of the owner.

D.C. Code,
sec. 43-342

Sec. 3. (a) Whenever an owner, agent, lessor or manager of an apartment house is billed directly by an electric or gas company for utility service furnished to such apartment house not occupied exclusively by such owner, agent, lessor or manager, and such company has actual or constructive knowledge that the tenants of such apartment house are not the persons to whom the company sends its bills, such company shall not terminate such service for nonpayment of a delinquent account owed to such company by such owner, agent, lessor or manager unless such company provides an opportunity, where practicable, for such tenants to receive service in their own names, either individually or collectively, without any liability for the amount due while service was billed directly to the lessor, owner, agent or manager. Security deposits or guarantees of payment may only be

required as provided in part V of the Consumer Bill of Rights, Title 14, Chapter V, Part 500 of the D.C. Rules and Regulations as amended: PROVIDED, HOWEVER, If it is not practicable for such tenants to receive service in their own names, the company shall not terminate service to such apartment house but may pursue the remedy provided in section 4.

(b) any payments made by the tenants of any apartment house pursuant to subsection (a) shall be deemed to be in lieu of an actual amount of rent or payment for use and occupancy and each tenant shall be permitted to deduct such amounts from any sum of rent or payment for use and occupancy due and owing or to become due and owing to the owner, agent, lessor or manager.

(c) Nothing in this section shall be construed to prevent the company from pursuing any other action or remedy as law or equity may require against the owner, agent, lessor or manager.

Sec. 4. (a)(1) Upon nonpayment of a delinquent account by the owner, agent, lessor, or manager of an apartment house who is billed directly by an electric or gas company for utility service

Enrolled Original

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furnished to such apartment house, such company, or the tenants residing in the affected apartment house may petition the Superior Court of the District of Columbia for appointment of a receiver of the rents or payments for use and occupancy for such apartment house. The Chief Judge of the Superior Court or such Judge's designee, upon presentation by the petitioner of a verified petition indicating such nonpayment of a delinquent account, shall immediately issue an order requiring such owner, agent, lessor, or manager, as respondent, to show cause why a receiver should not be appointed.

(2) The order of the Court together with a copy of the verified petition, shall be served on the owner, agent, lessor, or manager at his last known address or by such other method as the Court may direct and shall be posted in a conspicuous place upon the apartment house in question.

(3) A hearing on the show cause order shall be held no later than seventy-two (72) hours after its issuance or the first Court day thereafter. Upon a prima facie showing by

affidavit, testimony or otherwise, that delinquent utility bills on the subject apartment house remain unpaid, the Court shall forthwith appoint a receiver to collect rents or payments for use and occupancy from the tenants thereof and to pay current utility bills as hereinafter required. Prior to said hearing, respondent may file an answer to the petition raising such grounds of defense a respondent may have: EXCEPT, that any set-offs, counterclaims, or third-party claims shall not be grounds for refusing to appoint a receiver.

(4) The receiver appointed by the Court shall have the authority to take such action as it deems necessary to collect all rents or payments for use and occupancy from the tenants of the apartment house in question in place of the owner, agent, lessor or manager. The receiver shall pay the utility company from such rents and payments for utility services provided by such company on and after the date of his appointment. The owner, agent, lessor or manager shall be liable for such reasonable fees and costs determined by the Court to be due the receiver, which fees and costs may

be recovered from the rents or payments for use and occupancy under the control of the receiver: PROVIDED, HOWEVER, THAT NO SUCH FEES OR COSTS SHALL BE TURNED OVER UNTIL AFTER PAYMENT OF CURRENT UTILITY BILLS ON THE APARTMENT HOUSE HAS BEEN MADE. ANY MONIES REMAINING AFTER SUCH PAYMENTS, FEES AND COSTS SHALL BE TURNED OVER TO THE OWNER, AGENT, LESSOR, OR MANAGER. UPON ORDER OF THE COURT, THE RECEIVER SHALL BECOME TRUSTEE OF ANY ESCROW ACCOUNTS OR OTHER FUNDS ESTABLISHED BY THE TENANTS OR OTHERWISE INTO WHICH RENTS OR PAYMENTS FOR USE AND OCCUPANCY HAVE BEEN PAID OR ARE BEING HELD. THE COURT SHALL REQUIRE ACCOUNTINGS TO BE MADE BY THE RECEIVER AT SUCH TIMES AS THE COURT DETERMINES TO BE JUST, REASONABLE AND NECESSARY.

(3) ANY RECEIVERSHIP ESTABLISHED PURSUANT TO SUBSECTION (1) SHALL BE TERMINATED BY THE COURT UPON ITS FINDING THAT THE ARREARAGE WHICH WAS THE SUBJECT OF THE ORIGINAL DECISION HAS BEEN SATISFIED, OR THAT ALL TENANTS HAVE AGREED TO ASSUME LIABILITY IN THEIR OWN NAMES FOR PROSPECTIVE SERVICE SUOLOCATED BY THE RECEIVING COMPANY, OR THAT THE APARTMENT HOUSE HAS BEEN SOLD

and the new owner has assumed liability for prospective service supplied by the utility company.

(c) Nothing in this section shall be construed to prevent the utility company from pursuing any other action or remedy at law or equity that it may have against the owner, agent, lessor or manager.

(d) Any owner, agent, lessor or manager who collects or attempts to collect any rent or payment for use and occupancy from any tenant of an apartment house subject to an order appointing a receiver pursuant to this act shall be found, after due notice and hearing, to be in contempt of court.

Sec. 5. Any willful or malicious violation of this act by any owner, agent, lessor, manager or any utility company shall be punishable by a fine of not more than five hundred dollars (\$500) or imprisonment for not more than thirty (30) days or both.

Sec. 6. Nothing in this act shall be construed to prevent the tenant of such apartment house from pursuing any other action or remedy at

D.C. Code,
sec. 42-344

D.C. Code,
sec. 42-345

APPROVED 12/15/52

law or equity that it may have against the owner, agent, lessor, manager or company.

Sec. 7.(a) It shall be unlawful for any gas or electric company to terminate service at the request of the owner, agent, lessor, or manager of an apartment house subject to this act, unless the Public Service Commission first makes a finding that all units within the apartment house are not lawfully occupied, or the Public Service Commission finds that utility services provided by such company shall be provided by other means.

D.C. Code,
sec. 43-346


(b) Nothing in this section shall be construed to relieve any owner, agent, lessor, or manager of an apartment house from liability under a contract for the provision of utility services with a utility company until such time as the Public Service Commission makes its findings as required by subsection (a).

Sec. 8. The Public Service Commission shall adopt regulations necessary to carry out the purposes of this act. Such regulations shall include, but not be limited to, establishing procedures by which the company shall notify

D.C. Code,
sec. 43-347

tenants of an affected apartment house that monies are owed the company.

Sec. 9. This act shall take effect after a ninety (90) day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 502(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (37 Stat. 813; D.C. Code, sec. 1-147(c)(1)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED: July 3, 1980

COUNCIL OF THE DISTRICT OF COLUMBIA

MINUTES OF OFFICIAL COUNCIL ACTION

SECRET NO: 3 3-186

ACTION: Adopted Final Reading 5/17/80

VOTE: Unanimous

Absent: Winter

ROLL CALL VOTE:

BYRON		KANE		ISHACKLETON
MASON		MASON		SPANTO
MOORE		MOORE		WILSON
WINTER		WINTER		
ABSENT		ABSENT		

CERTIFICATION OF RECORD

John P. Reed
Secretary of the Council

ACTION: Adopted Final Reading 6/17/80

VOTE: Unanimous

Absent: Moore

ROLL CALL VOTE:

BYRON		KANE		ISHACKLETON
MASON		MASON		SPANTO
MOORE		MOORE		WILSON
WINTER		WINTER		
ABSENT		ABSENT		

CERTIFICATION OF RECORD

John P. Reed
Secretary of the Council

ACTION: _____

VOTE: _____

Absent: _____

ROLL CALL VOTE:

BYRON		KANE		ISHACKLETON
MASON		MASON		SPANTO
MOORE		MOORE		WILSON
WINTER		WINTER		
ABSENT		ABSENT		

CERTIFICATION OF RECORD

Secretary of the Council