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Testimony Before the District of Columbia Council  
Committee on Housing  
May 28, 2025

Public Hearing:  
DC's Housing Affordability and Preservation Ecosystem  
*Fair Housing Practices Amendment Act of 2025 (B26-0126), Eviction Reform Amendment Act  
of 2025 (B26-0141), Rebalancing Expectations for Neighbors, Tenants, and Landlords  
(RENTAL) Act of 2025 (B26-0164)*

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## Introduction

Good Morning, Chairperson White and members of the Committee. My name is Makenna Osborn. I am a Policy Attorney at Children's Law Center, a resident of the District and a tenant in Ward 6. Children's Law Center believes every child should grow up with a strong foundation of family, health and education and live in a world free from poverty, trauma, racism and other forms of oppression. Our more than 100 staff – together with DC children and families, community partners and pro bono attorneys – use the law to solve children's urgent problems today and improve the systems that will affect their lives tomorrow. Since our founding in 1996, we have reached more than 50,000 children and families directly and multiplied our impact by advocating for city-wide solutions that benefit hundreds of thousands more.

Thank you for the opportunity to testify on the Fair Housing Practices Amendment Act of 2025 ("Fair Housing Practices Act"), the Rebalancing Expectations for Neighbors, Tenants, and Landlords (RENTAL) Act of 2025 ("RENTAL Act"), the Eviction Reform Amendment Act of 2025 ("Eviction Reform Act").<sup>1</sup> Children's Law Center appreciates that the Committee is prioritizing gathering public input on these bills, which propose significant changes to the District's housing ecosystem, before the Council makes decisions on whether to pass and fund any of their provisions as part of the Fiscal Year 2026 budget. We applaud the Committee's desire to ensure that DC's housing ecosystem is able to support "the high-quality housing that all District residents deserve" in the face

compounding financial pressures threatening the ability of affordable housing providers to operate in the District.<sup>2</sup> Many of our clients rely on the affordable units offered by those providers to achieve the housing stability that is critical for their children's current and future well-being.<sup>3</sup> However, Children's Law Center does not believe efforts to support affordable housing providers in response to current challenges should come — or need to come — at the permanent expense of the ability of low-income DC families to access and maintain housing.

The four bills before the Committee today cover a wide range of topics within the District's housing ecosystem. My testimony will focus on the provisions that most directly impact Children's Law Center's clients. In summary:

- **Children's Law Center supports the passage of the Fair Housing Practices Act** because it is an appropriate response to the documented problem of unfair utility and move out billing practices harming District tenants.
- **Children's Law Center strongly opposes the new "public safety" ground for eviction proposed in the RENTAL Act** because it is an overly broad, unnecessary expansion of existing law.
- **Children's Law Center urges the Committee to ensure any changes to the District's eviction process** based on the RENTAL Act and the Eviction Reform Act **appropriately balance the interests** of protecting tenants from

harmful evictions with the interest to incentivize rental housing operation in the District.

- **Children’s Law Center urges the Council to ensure any changes to the District’s tools for incentivizing and supporting affordable housing prioritize increasing the number of homes that are available and affordable to households with an income at or below 30% of the Area Median Income (AMI).**

### **Children’s Law Center Supports the Fair Housing Practices Amendment Act Because it Will Protect Tenants from Unfair Billing Practices**

The Fair Housing Practices Amendment Act of 2025 proposes two changes to District laws governing rental housing costs assigned to tenants. First, the bill would prohibit housing providers from separately charging tenants for common area utility costs.<sup>4</sup> Second, the bill would require housing providers to formally notify tenants of any outstanding costs related to the tenancy within 45 days and at least 60 days prior to sending those costs to a debt collector.<sup>5</sup> Children’s Law Center supports these changes because they will protect tenants from unfair practices that have resulted in District tenants being billed for housing costs in an unclear and/or unexpected manner that puts financial distress on low- and fixed-income households.<sup>6</sup>

When families decide whether they can afford a particular housing unit, they factor in utility costs and administrative fees as well as rent. That is why the Department of Housing and Urban Development (HUD) includes all housing costs, including utilities,

in its definition of “affordable housing.”<sup>7</sup> An increase in monthly utility costs can take a unit from affordable to unaffordable and even small changes can have a big impact for families with low incomes. Many of the families Children’s Law Center works with have a monthly income that is barely enough to cover the necessities of housing, food, transportation, childcare, and medicine. They have no disposable income to save for emergencies and any unforeseen cost can quickly disrupt a family’s financial stability causing them to sacrifice necessities or fall behind on bills.

That is why the growing practice of multi-family residential buildings in DC adding common area utility costs to tenants’ individual monthly bills on top of rent is so problematic.<sup>8</sup> Unlike the utilities in their individual home, tenants have no way of monitoring or adjusting how much of a utility is used in common areas each month to be within their budget. Further, in Children’s Law Center’s experience representing tenants, building common areas often have plumbing issues and leaks that would cause an enormous spike in utility costs; if those costs are passed on to tenants, there is little incentive for the landlord to fix them promptly.

Ultimately, the provision and maintenance of common areas is a basic part of operating a multi-family residential building. As Councilmember Allen observed in the introduction of the Fair Housing Practices Act, charging “[variable utility costs for common spaces] in addition to base rent masks the true cost of rent for the building.”<sup>9</sup> Children’s Law Center supports the Fair Housing Practices Act’s prohibition on housing

providers passing common area utility costs onto tenants via monthly utility charges because it will require housing providers to factor those costs into rent up front and enable families to accurately assess whether they can afford a particular unit before they sign a lease.

Additionally, the Fair Housing Practices Act would require housing providers to give written notice to tenants “of any unpaid amounts due to the housing provider” within 45 days of the tenancy ending, with evidence for any charges beyond unpaid rent arrearages and to provide tenants with at least 60 days after that notice has been served to pay outstanding debts before they are sent to collection.<sup>10</sup> These changes will ensure that tenants have fair notice of what is owed to a housing provider, sufficient detail to dispute unwarranted charges, and time to challenge or pay the debt before it is sent to collections, a step which can significantly lower a tenant’s credit score.<sup>11</sup> A number of other states have similar laws requiring timely and detailed notice of amounts due to housing providers at the end of a tenancy.<sup>12</sup> Children’s Law Center supports the adoption of these protections in the District, especially as Councilmember Allen’s office has documented multiple instances of housing providers failing to properly notify tenants of assessed move out costs before sending unpaid amounts to a debt collector.

To ensure consistent application of District law, we also recommend adding language to the proposed § 512(a)(3) that any “cleaning fee imposed at moveout” must comply with § 42-3505.10(b-2)(2) of the D.C. Code, which prohibits landlords from

charging tenants a “professional cleaning fee” unless the premises are not returned “within the standard of ordinary wear and tear.”<sup>13</sup>

### **Children’s Law Center Strongly Opposes the New “Public Safety” Ground for Eviction Proposed in the RENTAL Act Because it is Overly Broad and Not Necessary for Tenant Safety**

Under existing District law, a housing provider has grounds to evict a tenant “when a court of competent jurisdiction has determined that the tenant, or a person occupying the premises with or in addition to the tenant, has performed an illegal act within the rental unit or the housing accommodation . . . [and] the tenant knew or should have known that an illegal act was taking place.”<sup>14</sup> Title II of the RENTAL Act proposes an additional ground for eviction “if a tenant of the rental unit, or a person occupying the premises with or in addition to the tenant, **has been *arrested for or charged with a dangerous crime or crime of violence*** that occurred in the rental unit or in or adjacent to the housing accommodation.”<sup>15</sup> This proposed change would greatly expand the grounds for eviction for certain crimes by allowing eviction 1) based on an arrest or charge rather than a conviction, 2) for activity that occurs “adjacent to” instead of just “within” the property, and 3) regardless of whether the tenant knew or should have known the activity was taking place.

This proposed expansion would put DC’s eviction law at odds with the presumption of innocence until proven guilty which is a central principle of US constitutional law.<sup>16</sup> Moreover, it would exacerbate the harms of arrest that already

disproportionately impact Black people and people with disabilities in DC, and broaden the consequences of arrest.<sup>17</sup> Under Title II of the RENTAL Act , if someone is arrested for a qualifying crime —regardless of whether they in fact committed the offense in question— *near* their apartment building, their entire family could be evicted from their home and suffer the immediate and long-lasting adverse effects eviction has on an individual’s physical, mental, and economic well-being.<sup>18</sup>

Children’s Law Center does not believe the risk of harm that the changes proposed by the RENTAL Act would bring is justified by a need to expand existing grounds for eviction. The dangerous and violent crimes the RENTAL Act focuses on are already grounds for eviction as “an illegal act,” except under the existing law no one can be evicted for an illegal act of which they have not been found guilty.<sup>19</sup> District law also already allows expedited evictions for many of the drug-related activities that would fall under the RENTAL Act’s definition of “dangerous crime”<sup>20</sup> and empowers the District’s Office of the Attorney General and community-based organizations to receive a court order “to evict a problem tenant” if a rental property is being used for the “manufacture or sale of illegal drugs [or] storage of illegal firearms.”<sup>21</sup>

Finally, in Children’s Law Center’s experience working with tenant families, when tenants are concerned about an individual in their building posing a safety threat, it is often not another tenant or guest of another tenant but rather someone who is not authorized to be on the property, which is not at all addressed by the RENTAL Act. For



these reasons, Children's Law Center urges the Council not to move forward with Title II of the RENTAL Act.<sup>22</sup>

**Any Permanent Changes to the District's Eviction Process Must Appropriately Balance the Interest of Protecting Tenants from Harmful Evictions with the Interest in Incentivizing Rental Housing Operation in the District**

The Committee's notice for this hearing states that the purpose is "to evaluate existing legislative proposals that attempt to respond to [concerns]" that "[h]ousing production and preservation in DC have slowed alarmingly" and that some affordable housing providers report they face "impending financial collapse [w]ithout reliable rent revenues and fresh preservation investments."<sup>23</sup> Children's Law Center recognizes the gravity of the concerns this Committee is seeking to address.<sup>24</sup> At the same time, we strongly believe that any changes made in the name of strengthening the District's housing ecosystem must appropriately balance the legitimate goal of financial stability for affordable housing providers with the District's interest in protecting tenants from harmful evictions. Children's Law Center is concerned that neither the RENTAL Act nor the Eviction Reform Act currently strike that balance appropriately. To reach a more balanced approach that does not unnecessarily sacrifice valuable tenant protections, we believe it is critical that the Committee should ground its analyses of the proposed changes in a comprehensive, factual basis; and provide tenants and tenant advocates with an opportunity for meaningful input.

*The RENTAL Act and Eviction Reform Act Propose Decreasing or Removing Important Due Process Protections in the Eviction Process*

An eviction is a traumatic experience with harmful effects on tenants, especially children, and a long-lasting impact on a family's ability to secure housing stability.<sup>25</sup> A landlord's ability to evict a family is part of the inherent power imbalance between landlords and tenants; an imbalance that is compounded when an eviction is filed by the fact that 95% of landlords in DC eviction proceedings are represented by counsel, while 90-95% of tenants in DC eviction proceedings represent themselves.<sup>26</sup> Notice standards and other procedural requirements in eviction proceedings help to correct this power imbalance by increasing fairness, transparency, and due process. When tenants know why they are facing eviction, they can better assess if that is a lawful ground and what they can do to remedy the issue, guarding against the misuse or abuse of eviction by landlords.

It is common practice in state law to mandate that housing providers give tenants formal, written notice —often called a “notice to quit”— informing them of a lease violation that is grounds for ending their tenancy and that if the tenant does not remedy the issue or vacate the property in a specified number of days, they will be subject to an eviction action.<sup>27</sup> The specified number of days, which is typically set by law, is the “notice period.” The notice period itself is important to provide tenants with time to pay back rent, correct lease violations, seek rental assistance, or negotiate with the landlord, all of which can help prevent harmful evictions. Many states also have minimum notice

requirements and time periods for an eviction proceeding once it reaches a court to further prevent tenants being removed from their homes on unlawful grounds or without a fair opportunity to respond.<sup>28</sup>

The RENTAL Act and Eviction Reform Act each propose changes to existing notice standards and minimum time periods throughout the District's eviction process. For example:

- Both bills decrease the required notice period a landlord must give a tenant before officially filing an eviction from 30 days to 10 days;<sup>29</sup>
- Both bills change the standard for dismissing eviction filings where a landlord has not met all legal notice requirements from a mandatory dismissal to a discretionary one;<sup>30</sup>
- The RENTAL Act lowers the threshold for sufficient service of a notice to quit;<sup>31</sup> and
- Both bills change the standard for dismissing complaints that do not sufficiently allege facts of a lawful ground for eviction from mandatory to discretionary.<sup>32</sup>

Collectively, these changes would significantly decrease the opportunity District tenants have to seek legal advice or representation and pursue avenues to remedy any lease violations before losing their home.

*The Committee's Assessment of Proposed Changes Should be Grounded in a Comprehensive, Factual Understanding of Factors Influencing Evictions in the District*

The changes to the existing eviction process proposed in the RENTAL Act and Eviction Reform Act are largely based on an argument that “COVID-era legislative provisions that were made permanent” have made it too difficult for housing providers to evict tenants who are delinquent on rent, forcing providers to carry unsustainable amounts of rental arrears.<sup>33</sup> The proposed changes are reportedly aimed at “rebalancing” evictions in DC to “be more consistent with pre-pandemic timelines and standards.”<sup>34</sup> Therefore, as the Council considers the RENTAL Act and Eviction Reform Act, it is important to ground the discussion of DC’s rental housing market and evictions data now compared to before the pandemic. In particular, Children’s Law Center would like to highlight three contextual factors.

First, a markedly high number of evictions are currently happening in the District. In Fiscal Year 2024, over 1,800 DC households were evicted, which is the highest number of evictions in DC in a decade and almost 20% higher than the average evictions per year in the five years leading up to the pandemic (2015-2019).<sup>35</sup> The number of evictions in early Fiscal Year 2025 was almost double those at the same time period in Fiscal Year 2024 suggesting that the total number of evictions this year will be even higher.<sup>36</sup>

Second, to the extent that eviction timelines are slower than they were pre-pandemic, one of the biggest contributing factors is the limited staffing capacity of the DC Superior Court, which is outside of the Council’s control. Unlike equivalent judicial

positions in states, DC Superior Court judges must be confirmed by the US Senate. In recent years DC Superior Court operations have been significantly hampered by a judicial vacancy crisis due to delays in Senate confirmations to fill open seats on the bench. As then DC Superior Court Chief Judge Milton C. Lee Jr. reported in the fall of 2024, “I cannot fill all the calendars that we have, and that means that it has a pretty significant impact on how we process cases and how we deliver justice to the citizens of the District of Columbia. I don’t have enough to make the court function.”<sup>37</sup> To compensate for the fact that the Council has no control over the judicial vacancies that are at the root of many of increased length of eviction proceedings, the RENTAL Act and Eviction Reform Act propose changes to almost all of the aspects of the eviction process that the Council can exert control over and primarily decrease timelines that are adopted to protect tenant rights.

Third, the high level of rental arrears in DC is not solely attributable to pandemic-era changes to the eviction process. The increase in rental arrears corresponds to significant increases in rental costs and an overall worsening in the economic conditions of DC tenants. For example, the District has experienced historically high rent increases since the pandemic – soaring by over 22% between 2021 to 2024.<sup>38</sup> Coupled with stagnant wages, DC families are now forced to spend a higher percentage of their income on rent than they were pre-pandemic.<sup>39</sup> In 2023, 80% of extremely low-income renter households in DC were spending over half of their monthly income on housing costs compared to

62% in 2019.<sup>40</sup> To be successful, any Council action to strengthen the District's housing ecosystem must also work to ameliorate the economic distress of low-income renters in DC that is at the heart of growing rental delinquencies.

*The Committee Should Provide Tenants and Tenant Advocates with an Opportunity to Provide Meaningful Input on Proposed Changes*

Given the serious implications that changing the District's eviction proceedings has for tenant rights and housing stability, the Council should not move forward any permanent changes without meaningful input from all relevant stakeholders, including tenants and attorneys who represent tenants in eviction proceedings. This hearing should be a starting point for that input, followed by opportunities for deeper conversation and consideration and time to craft truly balanced provisions. Children's Law Center encourages the Committee to evaluate each of the proposed changes individually and collectively as to whether they are narrowly tailored to the goal of stabilizing affordable housing providers in financial distress due to rental arrears, with the ultimate goal of minimizing harm to tenant protections.

**Council Must Ensure Any Changes to the Eligibility Standards for the District's Affordable Housing Programs Prioritize Increasing Housing for Tenants with Incomes at or Below 30% of the Area Median Income**

The RENTAL Act proposes several changes to the tools the District uses to incentivize and support the production and preservation of affordable housing units, including expanding the eligibility for the Local Rent Supplement Program (LRSP). Currently, LRSP provides ongoing rental subsidies both to individual tenants with

extremely low incomes, meaning at or below 30% of the Area Median Income (AMI), and to affordable housing properties to support the operation of units reserved for extremely low-income tenants (“project-based” LRSP). It is targeted to provide support to extremely low-income tenants because that is the population most at risk of housing insecurity and homelessness. Title V of the RENTAL Act would expand eligibility for project-based LRSP to allow affordable housing providers to use LRSP subsidies in units occupied by very low-income tenants, meaning with incomes at or below 50% AMI.<sup>41</sup>

Children’s Law Center urges the Committee to ensure that this expansion will not detract from the project-based LRSP assistance available to extremely low-income households. While there is not enough affordable housing in DC to meet the needs of very low income or extremely low-income tenants, the gap is most pronounced for extremely low-income households. According to the latest available numbers, there are 59 units in DC that are affordable and available for every 100 renter households at or below 50% AMI compared to only 32 units for every 100 renter households at or below 30% AMI.<sup>42</sup> Similarly, 65% of very low income renter households in DC are rent burdened —meaning they pay more than 30% of their income toward housing costs— compared to 87% of extremely low income renter households.<sup>43</sup> The starkest difference between the two groups is that 80% of extremely low income renter households in DC are *severely* rent burdened —meaning they pay more than 50% of their income toward housing costs— compared to only 25% of very low income renter households.<sup>44</sup>

It is possible that expanding site-based LRSP eligibility to include very low-income households will make it more economically feasible for housing providers to operate units reserved for extremely low-income households and ultimately result in a net growth of units available and affordable to extremely low-income households. Council should clarify how the expanded eligibility will operate in practice and its impact on the supply of units affordable and available to extremely low-income DC households moving forward. Without a strategic focus on targeting resources to support extremely low-income families, the District will continue to see a depth of housing insecurity that threatens our entire housing ecosystem.

## **Conclusion**

Thank you again for this opportunity to testify. Children’s Law Center welcomes the opportunity to answer questions and support the Committee as it considers amendments to these bills.

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<sup>1</sup> While this hearing is also on the Common Sense TOPA Reform Amendment Act of 2025, B26-0228, Children’s Law Center’s will not be making comments on that bill (or the TOPA provisions of the RENTAL Act) in today’s testimony as it is beyond the scope of our organizational expertise.

<sup>2</sup> Council of the District of Columbia Committee on Housing, Notice of Public Hearing on DC’s Housing Affordability and Preservation Ecosystem, p. 1, available at: <https://lims.dccouncil.gov/Hearings/hearings/827>.

<sup>3</sup> Housing stability has a profound impact on a child’s health, development, and ability to learn and childhood housing insecurity is linked to adverse physical, mental, and behavioral health conditions that can pose lifelong challenges. See Abigail Gaylord et al., *Impact of Housing Instability on Child Behavior at Age 7*, Int’l J. Child Hum. Dev. 287 (2018), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8442946/#R8>; Pete Nabozny, *A Place to Call Home*, The Children’s Agenda (Aug. 2023), available at: <https://thechildrensagenda.org/wp-content/uploads/2023/08/Housing-Stability-FINAL.pdf>; Kimberly Rollings, *Housing and Neighborhood Physical Quality: Children’s Mental Health and Motivation*, 50 J. Env’t



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Psych. 17 (2017), available at: <https://www.sciencedirect.com/science/article/abs/pii/S027249441730004X?via%3Dihub>.

<sup>4</sup> B26-0126, *Fair Housing Practices Amendment Act of 2025*, Sec. 2, lines 39-47, available at: <https://lims.dccouncil.gov/downloads/LIMS/57147/Introduction/B26-0126-Introduction.pdf?Id=206388> [hereinafter *Fair Housing Practices Act*].

<sup>5</sup> *Id.* at Sec. 2, lines 48-63.

<sup>6</sup> See Suzie Amanuel, *Corporate Landlords Nickel and Dime D.C. Tenants With Deceptive and Hidden Utility Fees*, Washington City Paper (August 28, 2024), <https://washingtoncitypaper.com/article/747728/corporate-landlords-nickel-and-dime-d-c-tenants-with-deceptive-and-hidden-utility-fees/>; Leslie Moreno, *Residents Claim They're Being Charged Hidden Utility Fees After Apartment Flood in NOMA*, WUSA9 (September 4, 2024), <https://www.wusa9.com/article/news/local/dc/residents-claim-theyre-being-charged-hidden-utility-fees-after-apartment-flood-in-noma/65-9936230f-e135-4494-ad90-cee3f8570fe8>; Attorney General Schwalb Issues Alert to Help Tenants Understand How Utilities Are Billed and Make Sure They Are Not Overpaying, Office of the Attorney General for the District of Columbia (May 16, 2025), <https://oag.dc.gov/release/attorney-general-schwalb-issues-alert-help-tenants>.

<sup>7</sup> “The U.S. Department of Housing and Urban Development defines ‘affordable housing’ as housing on which the occupant is paying no more than 30 percent of gross income for housing costs, including utilities. Keeping housing costs below 30 percent of income is intended to ensure that households have enough money to pay for other nondiscretionary costs.” Mia Chapman and Lauren Lowery, *What is Affordable Housing?*, National League of Cities (NLC) (January 8, 2024), <https://www.nlc.org/article/2024/01/08/what-is-affordable-housing/>.

<sup>8</sup> See Suzie Amanuel, *Corporate Landlords Nickel and Dime D.C. Tenants With Deceptive and Hidden Utility Fees*, Washington City Paper (August 28, 2024), <https://washingtoncitypaper.com/article/747728/corporate-landlords-nickel-and-dime-d-c-tenants-with-deceptive-and-hidden-utility-fees/>; Leslie Moreno, *Residents Claim They're Being Charged Hidden Utility Fees After Apartment Flood in NOMA*, WUSA9 (September 4, 2024), <https://www.wusa9.com/article/news/local/dc/residents-claim-theyre-being-charged-hidden-utility-fees-after-apartment-flood-in-noma/65-9936230f-e135-4494-ad90-cee3f8570fe8>; Attorney General Schwalb Issues Alert to Help Tenants Understand How Utilities Are Billed and Make Sure They Are Not Overpaying, Office of the Attorney General for the District of Columbia (May 16, 2025), <https://oag.dc.gov/release/attorney-general-schwalb-issues-alert-help-tenants>.

<sup>9</sup> Letter from Councilmember Charles Allen to Nyasha Howard, Secretary to the Council of the District of Columbia (February 13, 2025), available at: <https://lims.dccouncil.gov/downloads/LIMS/57147/Introduction/B26-0126-Introduction.pdf?Id=206388>.

<sup>10</sup> *Fair Housing Practices Act*, *supra* note 4, Sec. 2, lines 48-63.

<sup>11</sup> Rent debt sent to collections can stay on your credit report for seven years. *How Long Does Unpaid Rent Damage Credit?*, The Credit People, [https://www.thecreditpeople.com/credit/how-long-does-unpaid-rent-stay-on-credit?channel=SEM&source=bing%20organic&utm\\_source=bing%20organic&utm\\_medium=organic&medium=organic&content=/credit/how-long-does-unpaid-rent-stay-on-credit&utm\\_content=/credit/how-long-does-unpaid-rent-stay-on-credit&utm\\_source\\_platform=bing%20organic&campaign=credit&utm\\_campaign=credit&domain=thecreditpeople.com](https://www.thecreditpeople.com/credit/how-long-does-unpaid-rent-stay-on-credit?channel=SEM&source=bing%20organic&utm_source=bing%20organic&utm_medium=organic&medium=organic&content=/credit/how-long-does-unpaid-rent-stay-on-credit&utm_content=/credit/how-long-does-unpaid-rent-stay-on-credit&utm_source_platform=bing%20organic&campaign=credit&utm_campaign=credit&domain=thecreditpeople.com).

<sup>12</sup> For example, Maryland, Virginia and New York all require some form of written notice with an itemized statement of alleged damages or costs incurred within a set time period after a tenancy is terminated. Md. Code Ann., Real Property § 8-203(g)(1), available at: [https://mgaleg.maryland.gov/2025RS/Statute\\_Google/grp/8-203.pdf](https://mgaleg.maryland.gov/2025RS/Statute_Google/grp/8-203.pdf); Va. Code Ann. Virginia, § 55.1-1226(A), available at: <https://law.lis.virginia.gov/vacode/title55.1/chapter12/section55.1-1226/>; N.Y. GOB § 7-108 (1-a)(d),(e), available at: <https://www.nysenate.gov/legislation/laws/GOB/7-108>.

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<sup>13</sup> DC Code § 42-3505.10(b-2)(2). Rental Housing Generally. Evictions; Retaliatory Action; and Other Matters. Tenant Screening, <https://code.dccouncil.gov/us/dc/council/code/sections/42-3505.10>.

<sup>14</sup> DC Code § 42-3505.01(c). Rental Housing Generally. Evictions; Retaliatory Action; and Other Matters. Evictions, <https://code.dccouncil.gov/us/dc/council/code/titles/42/chapters/35/subchapters/V>.

<sup>15</sup> B26-0164, *Rebalancing Expectations for Neighbors, Tenants, and Landlords (RENTAL) Act of 2025*, Title II, lines 110-114, available at: <https://lims.dccouncil.gov/Legislation/B26-0164> [hereinafter *RENTAL Act*] (emphasis added).

<sup>16</sup> "The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law." *Coffin v. United States*, 156 U.S. 432 (1895). See also *Taylor v. Kentucky*, 436 U.S. 478 (1978).

<sup>17</sup> Data from the Metropolitan Police Department (MPD) shows that Black people in DC are arrested at 10 times the rate of white people and are disproportionately arrested across geographic areas and offense types. *Racial Disparities in D.C. Policing: Descriptive Evidence from 2013-2017*, American Civil Liberties Union of DC (ACLU-DC), (May 13, 2019), <https://www.acludc.org/en/publications/racial-disparities-dc-policing-descriptive-evidence-2013-2017>; National statistics show that people with disabilities are more likely to be arrested than people without a disability and the DC Developmental Disabilities Council finds that these trends are consistent with the experiences of people with disabilities in DC. See *Position Paper on Policing and the Disability Community*, DC Developmental Disabilities Council, (December 15, 2022), [https://ddc.dc.gov/sites/default/files/dc/sites/ddc/page\\_content/attachments/FINAL%20Position%20Paper%20-%20Policing%20and%20Disability%20-%20Approved%2012.15.22.pdf](https://ddc.dc.gov/sites/default/files/dc/sites/ddc/page_content/attachments/FINAL%20Position%20Paper%20-%20Policing%20and%20Disability%20-%20Approved%2012.15.22.pdf); see also Erin J. McCauley, *The Cumulative Probability of Arrest by Age 28 Years in the United States by Disability Status, Race/Ethnicity, and Gender*, *American Journal of Public Health*, December 2017, available at: <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2017.304095?role=tab>; Rebecca Vallas, *Disabled Behind Bars: The Mass Incarceration of People With Disabilities in America's Jails and Prisons*, Center for American Progress, July 2016, available at: <https://www.americanprogress.org/article/disabled-behind-bars/>.

<sup>18</sup> On the harms of eviction generally, see Nick Graetz et al., *The Impacts of Rent Burden and Eviction on Mortality in the United States, 2000-2019*, *Social Science & Medicine*, Volume 340 (January 2024), available at: <https://www.sciencedirect.com/science/article/pii/S0277953623007554?via%3Dihub>; Robert Collinson et al., *Eviction and Poverty in American Cities*, National Bureau of Economic Research, Working Paper 30382 (August 2022, rev. July 2023), available at: <https://www.nber.org/papers/w30382>. On the specific and lasting harms of eviction on children, see Robert Collinson et al., *The Effects of Eviction on Children*, National Bureau of Economic Research, Working Paper 33659 (April 2025), available at: <https://www.nber.org/papers/w33659>; Bruce Ramphal et al., *Evictions and Infant and Child Health Outcomes: A Systematic Review*, *JAMA Network Open*, (April 11, 2023), available at: <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2803667>.

<sup>19</sup> DC Code § 42-3602. Rental Housing Generally. Evictions; Retaliatory Action; and Other Matters. Evictions, <https://code.dccouncil.gov/us/dc/council/code/titles/42/chapters/35/subchapters/V>.

<sup>20</sup> DC Code § 42-3602(a),(b). Residential Drug-Related Evictions. Action for possession of a rental unit used as a drug haven, <https://code.dccouncil.gov/us/dc/council/code/titles/42/chapters/36>; Landlord Tenant Matters FAQs, DC Superior Court, [https://www.dccourts.gov/services/faqs/filtered?location\[0\]=lease&location\[1\]=civilactions](https://www.dccourts.gov/services/faqs/filtered?location[0]=lease&location[1]=civilactions) (Eviction cases to evict a tenant suspected of selling drugs is a "drug haven" case and "is heard on an expedited basis.").

<sup>21</sup> DC Code § 42-3101-3111. Drug-, Firearm-, or Prostitution-Related Nuisance Abatement, <https://code.dccouncil.gov/us/dc/council/code/titles/42/chapters/31>; How OAG Can Help: Drug-, Firearm-, or Prostitution-Related Nuisance Abatement Law, Office of the Attorney General for the District of

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Columbia, [https://oag.dc.gov/tenant-resources/how-oag-can-help/drug-firearm-or-prostitution-related-  
nuisance](https://oag.dc.gov/tenant-resources/how-oag-can-help/drug-firearm-or-prostitution-related-nuisance).

<sup>22</sup> If this Committee is compelled to create an expedited ground for “public safety” evictions beyond what is allowed under existing law, the changes proposed by the Eviction Reform Act would be a more reasonable starting point. The grounds for expedited “public safety” evictions proposed by the Eviction Reform Act still requires a determination by “a court of competent jurisdiction” that an individual has engaged in the activity, applies to activity on rather than adjacent to “the premises,” and would offer a defense against eviction if the tenant “did not know or have reason to know” the activity was occurring or “had done everything that could reasonably be expected under such circumstances to prevent the commission of [the act].” B26-0141, *Eviction Reform Amendment Act of 2025*, lines 80-83, 102-109 available at: <https://lims.dccouncil.gov/Legislation/B26-0141> [hereinafter *Eviction Reform Act*].

<sup>23</sup> Council of the District of Columbia Committee on Housing, Notice of Public Hearing on DC’s Housing Affordability and Preservation Ecosystem, p. 1, available at: [https://lims.dccouncil.gov/Hearings/  
hearings/827](https://lims.dccouncil.gov/Hearings/hearings/827).

<sup>24</sup> Jon Banister, *The Whole Industry Could Collapse’: D.C.’s Housing Providers Face An Existential Crisis*, BISNOW, (Sept. 5, 2024), available at: [https://www.bisnow.com/washington-dc/news/multifamily/the-  
whole-industry-could-collapse-dcs-housing-providers-face-an-existential-crisis-125782](https://www.bisnow.com/washington-dc/news/multifamily/the-whole-industry-could-collapse-dcs-housing-providers-face-an-existential-crisis-125782)).

<sup>25</sup> On the harms of eviction generally, see Nick Graetz et al., *The Impacts of Rent Burden and Eviction on Mortality in the United States, 2000-2019*, Social Science & Medicine, Volume 340 (January 2024), available at: <https://www.sciencedirect.com/science/article/pii/S0277953623007554?via%3Dihub>; Robert Collinson et al., *Eviction and Poverty in American Cities*, National Bureau of Economic Research, Working Paper 30382 (August 2022, rev. July 2023), available at: <https://www.nber.org/papers/w30382>. On the specific and lasting harms of eviction on children, see Robert Collinson et al., *The Effects of Eviction on Children*, National Bureau of Economic Research, Working Paper 33659 (April 2025), available at: <https://www.nber.org/papers/w33659>; Bruce Ramphal et al., *Evictions and Infant and Child Health Outcomes: A Systematic Review*, JAMA Network Open, (April 11, 2023), available at: <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2803667>.

<sup>26</sup> *Housing Right to Counsel Project*, DC Bar Foundation, [https://www.dccbar.org/pro-bono/what-we-  
do/housing-right-to-counsel-project](https://www.dccbar.org/pro-bono/what-we-do/housing-right-to-counsel-project); *Delivering Justice: Addressing Civil Legal Needs in the District of Columbia*, DC Access to Justice Commission, p. 128-135 (2019), [https://dcaccesstojustice.org/  
files/Delivering\\_Justice\\_2019.pdf](https://dcaccesstojustice.org/files/Delivering_Justice_2019.pdf).

<sup>27</sup> See e.g., N.Y. RPA Article 7 § 711(2), available at: <https://www.nysenate.gov/legislation/laws/RPA/711> (14 day written notice required before a landlord can bring an action to evict for nonpayment of rent in New York); Wash. Rev. Code. § 59.18.057 (14 day written notice, with specified language on tenant rights, required before a landlord can bring an action to evict for nonpayment of rent in Washington). Notably, Philadelphia requires landlords to participate “in good faith” in an eviction diversion program for at least 30 days before initiating an eviction. Philadelphia Code, § 9-811(2)(b), available at: [https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia\\_pa/0-0-0-278160#JD\\_9-811](https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-278160#JD_9-811) (last visited Nov. 27, 2024). For a comprehensive review of different eviction notice requirements, see LSC Eviction Laws Database, Legal Services Corporation, [https://www.lsc.gov/initiatives/effect-state-local-  
laws-evictions/lsc-eviction-laws-database](https://www.lsc.gov/initiatives/effect-state-local-laws-evictions/lsc-eviction-laws-database).

<sup>28</sup> See LSC Eviction Laws Database, *State and Territory Dataset*, Filter Questions 20-27, Legal Services Corporation, <https://www.lsc.gov/initiatives/effect-state-local-laws-evictions/lsc-eviction-laws-database>.

<sup>29</sup> *RENTAL Act*, *supra* note 15, Title III, Sec. 301, lines 127-129; *Eviction Reform Act*, *supra* note 22, lines 33-34.

<sup>30</sup> *RENTAL Act*, *supra* note 15, Title III, Sec. 301, lines 123-126; *Eviction Reform Act*, *supra* note 22, lines 30-32

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<sup>31</sup> *RENTAL Act*, *supra* note 15, Title III, Sec. 301, lines 131-137.

<sup>32</sup> *RENTAL Act*, *supra* note 15, Title III, Sec. 302, lines 173-178; *Eviction Reform Act*, *supra* note 22, lines 76-77.

<sup>33</sup> Mayor Muriel Bowser, Letter to Phil Mendelson Chairman of the Council of the District of Columbia, (March 3, 2024), <https://lims.dccouncil.gov/downloads/LIMS/57311/Introduction/B26-0164-Introduction.pdf?Id=207671>.

<sup>34</sup> *Id.*

<sup>35</sup> Evictions in DC Are at a 10-Year High: DC Leaders Must Do More to Help Residents Avoid this Trauma, United Planning Organization (UPO), April 2025, <https://www.upo.org/wp-content/uploads/2025/04/UPO-DC-Evictions-white-paper-April-2025.pdf> (analyzing data on eviction numbers from the DC Office of the Tenant Advocate and Brian McCabe, McCourt School of Public Policy, Georgetown University).

<sup>36</sup> *Id.*

<sup>37</sup> Ted Oberg, *DC Judges Say Senate Must Act Within Weeks to Ease Court System Backlog*, News4 I-Team (November 20, 2024) <https://www.nbcwashington.com/investigations/dc-judges-say-senate-must-act-within-weeks-to-ease-court-system-backlog/3774113/>.

<sup>38</sup> From 2021 to 2022, there was a 12.5% increase in rent, followed by a 1.1% increase from 2022 to 2023, and an 8.6% increase from 2023 to 2024. This compounding effect results in a total aggregate increase of approximately 23.52% in rent from 2021 to 2024. *See* Burton, Elizabeth, et al., *Combating Rising Evictions in the District of Columbia with Housing Subsidies*, Urban Institute, p. 3, (June 21, 2024), available at: [https://www.urban.org/sites/default/files/2024-](https://www.urban.org/sites/default/files/2024-06/Combating_Rising_Evictions_with_Housing_Subsidies_0.pdf)

[06/Combating\\_Rising\\_Evictions\\_with\\_Housing\\_Subsidies\\_0.pdf](https://www.urban.org/sites/default/files/2024-06/Combating_Rising_Evictions_with_Housing_Subsidies_0.pdf).

<sup>39</sup> Compare Burton, Elizabeth, et.al., *Combating Rising Evictions in the District of Columbia with Housing Subsidies*, Urban Institute, (June 21, 2024), available at: [https://www.urban.org/sites/default/files/2024-06/Combating\\_Rising\\_Evictions\\_with\\_Housing\\_Subsidies\\_0.pdf](https://www.urban.org/sites/default/files/2024-06/Combating_Rising_Evictions_with_Housing_Subsidies_0.pdf), with *District of Columbia*, National Low Income Housing Coalition (NLIHC), (2024), available at: <https://nlihc.org/gap/state/dc>.

<sup>40</sup> *See* District of Columbia, *The Gap*, National Low Income Housing Coalition (2023), <https://nlihc.org/gap/state/dc> (accessed May 28, 2025).

<sup>41</sup> *RENTAL Act*, *supra* note 5, Title V, lines 249-263.

<sup>42</sup> *See* District of Columbia, *The Gap*, National Low Income Housing Coalition (2023), <https://nlihc.org/gap/state/dc> (accessed May 28, 2025).

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*