

AN ACT  
**D.C. ACT 23-5**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 6, 2019**

To protect, on an emergency basis, unpaid federal workers, employees of contractors of the federal government, and household members of federal workers and employees of contractors from eviction, late fees, and foreclosure during a federal government shutdown.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Federal Worker Housing Relief Emergency Act of 2019”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Borrower” shall have the same meaning as provided in section 539b(a)(1) of An Act To establish a code of law for the District of Columbia, effective March 12, 2011 (D.C. Law 18-314; D.C. Official Code § 42-815.02(a)(1)).

(2) “Contractor” shall have the same meaning as provided in 41 U.S.C. § 7101(7).

(3) “Covered period” means:

(A) For a federal worker, the period from the date of a federal worker’s first unpaid payday during a shutdown through the earlier of:

(i) 30 days after the effective date of an appropriations act or continuing resolution that funds a federal worker’s government agency; or

(ii) 90 days after the date of the federal worker’s first unpaid payday.

(B) For an employee of a contractor, the period from the date an employee of a contractor is laid off or otherwise stops receiving pay because of the shutdown through the earlier of:

(i) 30 days after the effective date of an appropriations act or continuing resolution that funds the agency with which the contractor has a contract; or

(ii) 90 days after the employee of a contractor is laid off or otherwise stops receiving pay because of the shutdown.

(4) “Federal worker” means an employee of a government agency.

(5) “Government agency” means each authority of the executive, legislative, or

judicial branch of the government of the United States, or the District of Columbia Courts.

(6) "Household member" means an individual who resides with a federal worker or an employee of a contractor in a housing unit.

(7) "Housing provider" shall have the same meaning as provided in section 103(15) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.03(15)).

(8) "Housing unit" means any room or group of rooms forming a single-family residential unit, including an apartment, semi-detached condominium, cooperative, or semi-detached or detached home that is used or intended to be used for living, sleeping, and the preparation and eating of meals by human occupants.

(9) "Lender" shall have the same meaning as provided in section 539b(a)(3) of An Act To establish a code of law for the District of Columbia, effective March 12, 2011 (D.C. Law 18-314; D.C. Official Code § 42-815.02(a)(3)).

(10) "Mediation Administrator" shall have the same meaning as provided in section 539b(a)(6) of An Act To establish a code of law for the District of Columbia, effective March 12, 2011 (D.C. Law 18-314; D.C. Official Code § 42-815.02(a)(6)).

(11) "Residential mortgage" shall have the same meaning as provided in section 539a(a) of An Act To establish a code of law for the District of Columbia, effective May 8, 1984 (D.C. Law 5-82; D.C. Official Code § 42-815.01(a)).

(12) "Shutdown" means any period in which there is a lapse in appropriations for a government agency that continues through any unpaid payday for a federal worker employed by that agency.

(13) "Superior Court" means the Superior Court of the District of Columbia.

### Sec. 3. Stay of proceedings for evictions and foreclosures.

(a)(1) Notwithstanding any other provision of law, if a housing provider initiates an eviction proceeding in Superior Court against a federal worker, an employee of a contractor, or a household member during the covered period, the federal worker, employee of a contractor, or household member eligible for relief under subsection (c) or subsection (d) of this section, as applicable, may move the court to stay proceedings until the covered period elapses. The movant shall attach to the motion the documentation required by subsection (c) or subsection (d) of this section, as applicable, to establish the movant's eligibility under this section. The court shall grant the motion to stay the proceeding if the court determines that the federal worker, employee of a contractor, or household member has submitted the required documentation necessary to establish eligibility for relief in accordance with subsection (c) or subsection (d) of this section, as applicable.

(2) Notwithstanding any other provision of law, a federal worker, an employee of a contractor, or a household member eligible for relief under subsection (c) or subsection (d) of this section, as applicable, may also move the court to void late fees charged by a housing provider pursuant to section 531 of the Rental Housing Act of 1985, effective July 17, 1985

(D.C. Law 6-10; D.C. Official Code § 42-3505.31). The court shall grant the motion if the late fees accrued during the covered period.

(b)(1) Notwithstanding the requirements set forth in section 539b of An Act To establish a code of law for the District of Columbia, effective March 12, 2011 (D.C. Law 18-314; D.C. Official Code § 42-815.02), upon the request of a borrower who is a federal worker, an employee of a contractor, or a household member eligible for relief under subsection (c) or subsection (d) of this section, as applicable, the Mediation Administrator shall stay the mediation and shall not issue a mediation certificate to a lender until the covered period elapses. The borrower shall provide the documentation required by subsection (c) or subsection (d) of this section, as applicable, to establish the borrower's eligibility.

(2) Notwithstanding any other provision of law, if during the covered period but before the effective date of this act, the Mediation Administrator issued a mediation certificate and the lender gave written notice of the intention to foreclose on a residential mortgage, a federal worker, employee of a contractor, or household member eligible for relief under subsection (c) or subsection (d) of this section, as applicable, may petition the Superior Court to stay the sale until the covered period has elapsed. The petitioner shall attach to the petition the documentation required by subsection (c) or subsection (d) of this section, as applicable, to establish the petitioner's eligibility under this section. The court shall grant the petition to stay the sale if the court determines that the federal worker, employee of a contractor, or household member has submitted the required documentation necessary to establish eligibility for relief in accordance with subsection (c) or subsection (d) of this section, as applicable.

(3) Notwithstanding any other provision of law, if a lender initiates a foreclosure proceeding in Superior Court against a federal worker, an employee of a contractor, or a household member during the covered period, the federal worker, employee of a contractor, or household member eligible for relief under subsection (c) or subsection (d) of this section, as applicable, may move the court to stay the proceeding until the covered period elapses. The movant shall attach to the motion the documentation required by subsection (c) or subsection (d) of this section, as applicable, to establish the movant's eligibility under this section. The court shall grant the motion to stay the proceeding if the court determines that the federal worker, employee of a contractor, or household member has submitted the required documentation necessary to establish eligibility for relief in accordance with subsection (c) or subsection (d) of this section, as applicable.

(c) To be eligible for the relief set forth in this section:

(1) A federal worker shall submit to the court or Mediation Administrator one of the following:

(A) A pay stub issued by a government agency showing zero dollars in earnings for the federal worker for a pay period within the period of the shutdown; or

(B) A copy of a furlough notification letter or essential employee status letter; and

(2) An employee of a contractor shall submit to the court or Mediation

## ENROLLED ORIGINAL

Administrator a letter from the contractor, issued and signed by an officer or owner of the company or by the company's human resources director, stating:

(A) That the employee of the contractor was laid off or is otherwise not receiving pay from the contractor because of the shutdown;

(B) The date that the employee of the contractor was laid off or otherwise stopped receiving pay from the contractor; and

(C) The name of the government agency with which the contractor had a contract.

(d)(1) A household member who is a party to the rental agreement subject to an eviction action or the residential mortgage subject to a foreclosure proceeding shall be eligible for the relief set forth in this section if the household member submits to the court or Mediation Administrator:

(A) Sufficient documentation that a federal worker or employee of a contractor resides in the same household unit as the household member, which shall include any 2 of the following that displays a name and home address for the federal worker or employee of a contractor:

(i) A current government-issued photo identification;

(ii) A utility bill dated no more than 60 days before the beginning of the covered period;

(iii) A bank or credit card statement dated no more than 60 days before the beginning of the covered period;

(iv) A student loan statement dated no more than 60 days before the beginning of the covered period; or

(v) Official mail received from a government agency or a District government agency dated no more than 60 days before the beginning of the covered period;

(B) The documentation required to be submitted by the federal worker or the employee of the contractor under subsection (c) of this section; and

(C) Sufficient documentation that the federal worker or employee of a contractor contributes at least 25% of the monthly rent or mortgage payment, which shall include any of the following for at least 2 of the 6 months before the beginning of the covered period:

(i) Cancelled checks;

(ii) Bank statements;

(iii) Electronic records of payment; or

(iv) Receipts.

(2) A household member shall continue to timely pay the household member's percentage share of the rent or mortgage payments. Failure of a household member to make timely payment of the household member's share of the rent or mortgage payment shall be grounds for lifting a stay of the proceeding.


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**Sec. 4. Fiscal impact statement.**

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

**Sec. 5. 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia

APPROVED  
February 6, 2019



COUNCIL OF THE DISTRICT OF COLUMBIA  
WASHINGTON, DC, 20004

Docket No. **B23-0080**

☐ ITEM ON CONSENT CALENDAR

☒ ACTION & DATE

FINAL READING, Jan 22, 2019

☒ VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

☐ ROLL CALL VOTE - Result

Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB
Chmn. Mendelson	X				Gray	X				Silverman	X			
Allen	X				Grosso	X				T. White	X			
Bonds	X				McDuffie	X				Todd	X			
Cheh	X				Nadeau	X								
Evans	X				R. White	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

1-23-19

Date