

Saving DC's Rental Housing Market Strike Force

March 26, 2021





Today's Agenda

- Call to Order
- Welcome
- Open Meeting Process Review
- March 19th Meeting Summary
- Strike Force Recommendations
 - Short-Term Recommendations
 - Mid-Term Recommendations
 - Long-Term Recommendations
- Discussion
- Public Comment
- Closing Comments and Adjourn

Ground Rules



- Respect the Process
- Be Present and Engaged
- Follow the Facilitators' Directions
- Allow Every Voice to be Heard
- Speak Courteously and Respectfully to Others
- Maintain Zero Tolerance for Any Comment (Verbal or Written) that is Meant to Attack or Intimidate Another Person, or is Obscene

Process Review: Public Meeting Regulations

- Notice shall be provided when meetings are scheduled and when the schedule is changed.
- Except for emergency meetings, a public body shall provide notice as early as possible, but not less than 48 hours or 2 business days, whichever is greater, before a meeting
- This meeting will be recorded for public record
- A copy of the meeting summary will be made available for public inspection as soon as practicable, but no later than 3 business days after the meeting



Public Comment Period

- Public observers will have 15 minutes set aside at the end of every meeting for verbal comments. If you would like to make a verbal comment please make your request known using the Question and Answer function.
- The facilitator will call on each name as it appears and the attendee will be invited directly into the Zoom room. Please note your video will remain disabled.
- We ask all commenters to be respectful of time and reserve space for additional voices.
- Written comments can also be provided using the Question and Answer function at any point during the meeting. These comments will be a part of the public meeting record.

Review of the Consensus-Building Process

- Consensus-based decision-making is **one method** for reaching a decisions. There are others, e.g. "50+1", "most votes", "blackball", etc. Consensus-based decision-making processes produce solutions that are **broadly acceptable**. However, no participant is 100% satisfied. However, the decision can be endorsed, supported, and defended by **all group members** - even though the decision is not the “favorite” result of any particular individual. The decision is **actionable**.
- Consensus-based decisions prioritize "**a meeting of the minds**" as the most desired outcome. It also places a higher value on the members of the group **staying in the process** and also helping **implement the decision**. Consensus based decisions strengthen groups and often **increases the influence** of their decisions, recommendations, etc.
- Consensus is defined by Merriam-Webster as, first, **general** agreement, and second, **group solidarity** of belief or sentiment. It has its origin in the Latin word cōnsēnsus agreement, which is from cōnsentiō meaning, literally, to feel together. It is used to describe both **the decision** and **the process** of reaching a decision.
- Consensus decision-making is thus concerned with the process of **deliberating** and finalizing a decision, as well as the **social and political effects** of using that decision-making process.

March 19th Meeting Summary

Near-Term Recommendations



Recommendation: Prioritize rental assistance for those with the highest eviction risk, supplemented by distinct outreach strategies of rent relief programs for low, moderate, and middle-income residents as well as traditionally marginalized population subgroups.

Use federal and District funds to **stabilize renters, especially renters with the highest eviction risk**, and to help preserve the affordability of the District's subsidized and unsubsidized affordable rental stock. Develop strategies for distinct subgroups with different needs and economic dynamics to support recovery across the District. Additionally - before the eviction moratorium on nonpayment cases ends - ensure equitable access by age, race, and immigration status to programs to address rent arrears accrued during the pandemic and to support future stability.

- **Plan:** Begin by **quantifying the scope of the eviction cliff problem** and ensuring methods and systems for efficiently channeling city resources and effectively tracking the use of funds in real time. Develop strategies for addressing barriers of access to information and resources. Within the constraints of federal funding, build upon recent experience with housing assistance programs, such as Housing Stabilization Grants, that have effectively distributed funds during the public health emergency.
- **Access:** All program components should **ensure equitable and easy access for both tenants and landlords**, with an eye on minimizing the documentation burden for tenants and housing provider-and a single portal for fund access, and should be integrated with District resources to ensure tenants and landlords are efficiently served throughout the application process.

Recommendation: Prioritize rental assistance for those with the highest eviction risk, supplemented by distinct outreach strategies of rent relief programs for low, moderate, and middle-income residents as well as traditionally marginalized population subgroups.

- **Outreach: Strategic communication, outreach, and programming** should be focused on renters who have received unemployment assistance or excluded workers' assistance, and renters who live in the highest eviction zip codes or in properties in the DC Rental Preservation Catalog. Outreach strategies should include collaboration among District agencies and trusted community partners.
- **Supplement:** Federal emergency rental assistance should be **supplemented with local resources, if needed, to serve undocumented immigrants, non-traditional workers, other populations** who may not be eligible for federal emergency rental assistance, and tenants who require additional rent relief to sufficiently address rent arrears.
- **Connect:** Facilitate **connections to other beneficial services** by providing information on additional rental and related assistance support to applicants at the time of initial assistance through post-assistance follow up, including options for future relief if an eviction risk recurs.

Recommendation: Allow notices to cure , eviction filings, and evictions against residents who present current and substantial threats to health and safety to tenants, on-site personnel, and other authorized individuals because of illegal firearms, drug sales involving serious acts of violence, and other serious threats/acts of violence.

Allow notices to cure and eviction filings, under a narrow set of defined causes, in order to support health and safety in residential communities while respecting the public and individual health goals of the eviction moratorium. Strive to restore safe residential communities through the protection of impacted lives and livelihoods.

- Notices to cure and eviction filing language should be reviewed to clarify that tenants may correct or dispute the issue
- Financial rental assistance should be provided in conjunction with the change in the eviction moratorium to ensure tenants can easily get assistance to correct or dispute the issue.
- In cases of eviction, families should also be connected to assistance and resources that support the coordination and continuation of youth education, social services, and other critical resources
- Property owners should be held harmless under District laws if they do not pursue nuisance act evictions during the eviction moratorium.

Recommendation: Determine ways to phase in the end of the eviction moratorium to manage the immediate impact of the end of the eviction moratorium on the courts and service providers and to provide safeguards for vulnerable populations.

Beyond health and safety measures, plan a phased end to the eviction moratorium that supports the courts and service providers and provides safeguards for vulnerable populations beyond connecting them to rental assistance. Includes the development and evaluation of an eviction diversion program pilot, in partnership with landlords, tenants, legal service providers, and the judiciary, that facilitates pre-filing access to a range of eviction prevention services to resolve disputes that can lead to eviction.

- **Plan a phase-out of the eviction moratorium that extends beyond the current 30 days at the end of the public health emergency.** based on measurable indicators of readiness such as metrics on public health and the sufficiency of eviction prevention programs and emergency rental assistance
- **Provide federal funding and resources for the courts to support actions that alleviate the pressure on the court system.** Improve tenants' connection to financial resources and problem-solving tools including mediation, legal, financial, and social services that support effective alternative resolutions to eviction cases
- **Develop and fund an eviction diversion program with the goal of resolving disputes that can lead to eviction, reducing court filings, and reserving the court for the most difficult cases.** Base the program on nationwide research and emerging best practices and collaborate with community-based organizations that are currently implementing diversion programs in the District

Recommendation: Seek ways to reduce the burden of the pandemic on housing providers that do not harm vulnerable residents. Such burdens include the inability to increase rents on vacant units, inability to return from emergency-related rent concessions in rent controlled units, and the inability to move ahead on property sales due to TOPA tolling.

Short-Term Recommendations

- 1) **Prioritize rental assistance for those with the highest eviction risk, supplemented by distinct outreach strategies of rent relief programs for low, moderate, and middle-income residents as well as traditionally marginalized population subgroups.**
- 2) **Allow notices to cure , eviction filings, and evictions against residents who present current and substantial threats to health and safety to tenants, on-site personnel, and other authorized individuals because of illegal firearms, drug sales involving serious acts of violence, and other serious threats/acts of violence.**
- 3) **Determine ways to phase in the end of the eviction moratorium to manage the immediate impact of the end of the eviction moratorium on the courts and service providers and to provide safeguards for vulnerable populations.**
- 4) **Seek ways to reduce the burden of the pandemic on housing providers that do not harm vulnerable residents. Such burdens include the inability to increase rents on vacant units, inability to return from emergency-related rent concessions in rent controlled units, and the inability to move ahead on property sales due to TOPA tolling.**

Mid-Term Recommendations



Recommendation: Convene a Commission to re-examine rent stabilization goals, outcomes and policy recommendations.

Convene a, time-limited multi-stakeholder commission, including an equitably balanced membership of rent stabilization experts, tenant advocates, landlords, legal services providers, elected leaders, and government employees, to examine rent **stabilization control** with the following objective: creating a set of shared values with respect to rent stabilization, assessing rent stabilization policies current success in achieving these shared values and goals, and identifying policy recommendations that can improve rent stabilization's ability to achieve the desired outcomes. The desired program outcomes include, at minimum, price stability for renters, the stability of modest and moderately priced rental housing, and racial equity.

- **Fund a study by an independent, non-governmental organization** about in-depth, long-term solutions to reforming rent control to inform the work of the commission
- **Establish engagement mechanisms** to ensure broad community input and include the perspectives of tenants and legal services providers
- May include under the Commission's purview an examination of rent-controlled stock, current financing of housing providers to test the "expansion" proposals, characteristics of households who live in rent-controlled units, voluntary agreements and petitions focused on building improvements, and multifamily property tax assessment

Recommendation: Review the requirements, limitations, and prioritizations of the existing Nuisance Abatement Fund and explore how to better target funds to quickly address housing violations without displacing residents.

- **Conduct a review of the Fund's use** over the last five (5) years and of similar efforts in other cities to determine if changes are needed to the requirements, limitations, and prioritizations of the existing Nuisance Abatement Fund.
- **Publish guidance** for the Nuisance Abatement Fund that specifies how utilization occurs and prioritizes the nuisances that will be abated through the Fund.
- Target funds with a **focus on preventing the displacement of tenants.**

Recommendation: Reform TOPA by increasing funding to target the creation of affordable housing and tenant ownership and strengthening the use of DOPA to preserve existing affordable housing.

- **Increase funding to Community Based Organizations that provide TOPA technical assistance** and include a mandate to hire and train additional specialized staff to educate tenants about their TOPA rights and to assist them in exercising them
- **Increase funding for the Housing Production Trust Fund, DC Housing Preservation Fund, First Right Purchase Program, and Local Rent Supplement Program to preserve or create affordable housing through the TOPA process,** with an emphasis on units serving households with incomes at 0-30 percent and 31-50 percent of Median Family Income.
 - Develop a program to support the acquisition of small multi-family buildings (2-50 units) by tenant organizations and/or developers exercising TOPA or DOPA rights to create or preserve affordable rental or ownership housing protected by long-term covenants.
- **Explore with the courts the opportunity to establish a Right of First Refusal for the District,** similar to DOPA, for any TOPA eligible property that could be utilized expeditiously in-lieu of TOPA in TOPA-exempt court ordered sales such as bankruptcy and receivership.

Mid-Term Recommendations

- 1) Convene a Commission to re-examine rent stabilization goals, outcomes and policy recommendations.**
- 2) Review the requirements, limitations, and prioritizations of the existing Nuisance Abatement Fund and explore how to better target funds to quickly address housing violations without displacing residents.**
- 3) Reform TOPA by increasing funding to target the creation of affordable housing and tenant ownership and strengthening the use of DOPA to preserve existing affordable housing.**

Long-Term Recommendations



Recommendation: Leverage federal funding to create more rent-and-income-restricted housing to meet the Mayor's Housing and Homeward DC Goals through improved acquisition programs for land, commercial buildings, and unassisted, naturally occurring affordable housing (NOAH) buildings.

- **Incentivize the preservation of NOAH** by the District, for-profit, and non-profit entities to acquire land and/or naturally occurring affordable housing (NOAH) units, particularly in high-opportunity neighborhoods, and layer in long-term affordability covenants
- **Increase funding for the Local Rent Supplement Program and review and reform its operations** to ensure it is efficiently utilizing its resources and is being paired with appropriate tenant and housing provider services and technical assistance in ways that maximize the number of most vulnerable residents it serves..
- **Establish a permanent DC Flex program** or a similar longer-term rental assistance subsidy for very low income households in training for or employed within the District that reduces any disincentive to increase earnings to afford housing in DC on their own.
- Devote federal COVID-19 recovery funding, leveraged with private resources where it makes sense, to meet and exceed the mayor's goal for affordable housing by 2025.

Recommendation: Support increased density to produce more housing across all types of land use and explore procedural improvements to advance equity by spurring affordable housing production.

- **Create mechanisms for stakeholders to be aware of and proactively support zoning changes and PUDs that produce more housing and affordable housing, especially in high opportunity areas.** Explore the use of new racial equity offices in District government to provide racial equity impact assessments of zoning changes and PUDs, with an analysis of racial equity implications of the affordability levels offered in PUDs.
- After the Comprehensive Plan update is finalized, **evaluate possible zoning changes, including streamlined processes and special exceptions for projects on institutional land with higher levels of affordable housing, regardless of zone district.** Prioritize and provide technical assistance for projects on land owned by faith-based institutions, nonprofits, and other community-driven organizations. Evaluate the opportunity of by-right designations for land proposing affordable housing developments, especially in high opportunity areas.
- **In single-family zone districts, provide technical support, streamlined approvals, and financial incentives to spur the creation of more Accessory Dwelling Units** (Accessory Apartments create affordable housing options in high-income areas and wealth building in low- and moderate-income areas.)
- Following the recommendations of OP's "Single-Family Housing Report," **change land-use designations to enable "gentle density," or, a variety of housing types and affordability levels in single-family zones in a targeted manner that prioritizes neighborhoods that are high-opportunity, high-cost, or near high-capacity transit.**

Recommendation: Create incentives to produce or preserve middle income affordable housing, with a priority on High-Opportunity Neighborhoods.

- **Incentivize providers of moderate-to-market rate housing to convert and perpetuate units in long term affordability at least 40 years and up to life of building.** Consider running a pilot program, testing the opportunities for the District to set compensation standards for placing long-term affordability covenants on units without transfer of ownership in properties that currently are not assisted with a District funding source and do not contain covenanted units.
- **Provide financing, tax, and regulatory incentives in exchange for affordability covenants.** Additionally, identify non-financial incentives and opportunities for converting properties to long-term affordability at 60% to 80% of MFI.
- **Amend the HPTF statute to explicitly fund only units at 60% of MFI or below, to maximize utilization of federal resources,** with an exception for 80% MFI in projects with existing tenants with income over 60% MFI, and commit to meeting or exceeding current goal of 50% of funding for 30% MFI.
- Utilize the District's authority to acquire IZ units to provide housing for households at or below 30% MFI.

Long-Term Recommendations

- 1) **Leverage federal funding to create more rent-and-income-restricted housing to meet the Mayor's Housing and Homeward DC Goals through improved acquisition programs for land, commercial buildings, and unassisted, naturally occurring affordable housing (NOAH) buildings.**
- 2) **Support increased density to produce more housing across all types of land use and explore procedural improvements to advance equity by spurring affordable housing production.**
- 3) **Create incentives to produce or preserve middle income affordable housing, with a priority on High-Opportunity Neighborhoods.**

Discussion



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Closing Comments & Adjourn

