Saving DC’s Rental Housing Market Strike Force

March 19, 2021
Today’s Agenda

- Call to Order
- Welcome
- Open Meeting Process Review
- March 12th 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 possibly, 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 decision. 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 12th Meeting
Summary
Short-Term Recommendations
Recommendation: Target rental assistance to those with the highest eviction risk, supplemented by distinct outreach strategies of rent relief programs for low, moderate, and middle-income residents.

Use federal, District, and local funds to stabilize renters, especially renters with the highest eviction risk, to help preserve the affordability of the District’s subsidized and unsubsidized affordable rental stock. Begin this process before the eviction moratorium ends 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. Develop strategies for addressing barriers of access to information and resources.

• **Access:** All program components should ensure equitable and easy access for both tenants and landlords and should be integrated with District resources to ensure tenants and landlords are efficiently served throughout the application process.

• **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.

• **Supplement:** Federal emergency rental assistance should be supplemented with local resources, if needed, to serve undocumented immigrants, non-traditional workers, and other populations who may not be eligible for federal emergency rental assistance.

• **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 and eviction filings against residents who present current and substantial threats to health and safety to tenants and on-site personnel because of illegal firearms, drug sales involving violence, and 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 by addressing breaches that impact quality of life.

- **Notices to cure and eviction filing language should be reviewed** to clarify that tenants may correct or dispute the issue.
- **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.
- **Property owners should be held harmless 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 provide safeguards for vulnerable populations beyond connecting them to rental assistance and diversion/mediation programs.

- **Plan a phase-out of the eviction moratorium** that extends the ending of the eviction moratorium an additional 60 days beyond the present expected end dates.

- **Provide federal funding and resources for the courts** to support filling vacancies and to alleviate the pressure on the court system.

- **Consider exemption of some specific types of eviction cases from the moratorium** enabling the courts and service providers to address cases involving violence or other life safety matters before a larger number of cases enter the system.
Recommendation: Create, fund, implement and evaluate an eviction diversion program pilot, in partnership with landlords and the judiciary, that facilitates pre-filing access to a range of eviction prevention services to resolve disputes that can lead to eviction.

Develop 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.

- Philanthropy or government may fund capacity-building, implementation and evaluation of the program.
- **Collaborate with community-based organizations** that are currently implementing diversion programs in the District.
- The program should be based on a review of emerging practices and should include an assessment of the role of mediation in eviction diversion and whether – or under what conditions – it is an appropriate tool for DC.
- Through mediation, the program should improve awareness of and access to multiple problem-solving tools including legal, financial, and social services that when offered in concert are more effective.
- **Coordinate with the Rent Administrator** to develop a referral process when a notice to cure is filed.
Short-Term Recommendations

1) Target rental assistance to those with the highest eviction risk, supplemented by distinct outreach strategies of rent relief programs for low, moderate, and middle-income residents.

2) Allow notices to cure and eviction filings against residents who present current and substantial threats to health and safety to tenants and on-site personnel because of illegal firearms, drug sales involving violence, and 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) Create, fund, implement and evaluate an eviction diversion program pilot, in partnership with landlords and the judiciary, that facilitates pre-filing access to a range of eviction prevention services to resolve disputes that can lead to eviction.
Mid-Term Recommendations
Recommendation: Convene a Commission to reexamine rent control

Convene a multi-stakeholder commission to examine reforming rent control with the following objective: creating a set of shared values with respect to rent control, including price stability, stability of rent-controlled stock, mixed-income neighborhoods and buildings, and inclusion, etc.

- **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 three (3) years** to determine where funds were disbursed.
- **Publish a Nuisance Abatement Fund Handbook** that specifies and prioritizes nuisances that will be abated through the Fund.
- **Target funds to larger multi-family dwellings** with a focus on preventing the displacement of tenants.
Recommendation: Reform TOPA to target the creation of affordable housing and tenant ownership

- 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.

- Offer a payment-in-lieu option to TOPA for buildings that meet all three of the following characteristics:
  - Larger than 125 units
  - Over $50 million
  - Less than 10 years old at the time of the contract
  The additional fee could be used to fund TOPA transactions and technical assistance for other properties; these funds might also be used to provide additional affordability and assist tenants stay in place within the affected buildings.
Mid-Term Recommendations

1) Convene a Commission to reexamine rent control.

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 to target the creation of affordable housing and tenant ownership.
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 improve 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 affordability covenants**
  - Significantly leverage private capital to be a source of financing for acquisition.

- **Develop a program to support the acquisition of small multi-family buildings (2-50 units)** by nonprofit and for-profit housing providers and layer in affordability covenant
Recommendation: Support maximized density to produce more housing across all types of land use and explore procedural improvements to advance equity by spurring affordable housing production.

- Pass the Comprehensive Plan Update and 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 targeted amendments to increase housing production like adopting density baselines, all through a lens of equity.

- After the Comprehensive Plan update is finalized, evaluate 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.

- Plan for single-family zone districts, provide technical support, streamlined approvals, and financial incentives to spur the creation of more Accessory Dwelling Units and (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: 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.

- Run a pilot program, testing the opportunities for the District to auction or bid out for the conversion to IZ without transfer of ownership units in properties built before 2009 that currently are not assisted with a District funding source and do not contain IZ units and are not otherwise currently rent restricted.
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 improve acquisition programs for land, commercial buildings, and unassisted, naturally occurring affordable housing (NOAH) buildings.

2) Support maximized density to produce more housing across all types of land use and explore procedural improvements to advance equity by spurring affordable housing production.

3) 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.
Discussion
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.
Next Steps

• Provide additional comments on draft recommendations by Monday, March 22\textsuperscript{nd} at 5:00pm

• Strike Force meeting on Friday, March 26\textsuperscript{th} from 3:00pm – 5:00pm to finalize and confirm recommendations
Closing Comments & Adjourn