

A Bill

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To protect, on a temporary 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 Temporary 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

31 payday.

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

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

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

39 (4) "Federal worker" means an employee of a government agency.

40 (5) "Government agency" means each authority of the executive, legislative, or
41 judicial branch of the government of the United States.

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

44 (7) "Housing provider" shall have the same meaning as provided in section
45 103(15) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C.
46 Official Code § 42-3501.03(15)).

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

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

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

57 (11) "Residential mortgage" shall have the same meaning as provided in section
58 539a(a) of An Act To establish a code of law for the District of Columbia, effective May 8, 1984
59 (D.C. Law 5-82; D.C. Official Code § 42-815.01(a)).

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

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

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

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

76 (2) Notwithstanding any other provision of law, a federal worker, an employee of

77 a contractor, or a household member eligible for relief under subsection (c) or subsection (d) of
78 this section, as applicable, may also move the court to void late fees charged by a housing
79 provider pursuant to section 531 of the Rental Housing Act of 1985, effective July 17, 1985
80 (D.C. Law 6-10; D.C. Official Code § 42-3505.31). The court shall grant the motion if the late
81 fees accrued during the covered period.

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

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

100 accordance with subsection (c) or subsection (d) of this section, as applicable.

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

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

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

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

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

119 (2) An employee of a contractor shall submit to the court or Mediation
120 Administrator a letter from the contractor, issued and signed by an officer or owner of the
121 company or by the company's human resources director, stating:

122 (A) That the employee of the contractor was laid off or is otherwise not

123 receiving pay from the contractor because of the shutdown;

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

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

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

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

135 (i) A current government-issued photo identification;

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

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

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

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

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

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

- 150 (i) Cancelled checks;
- 151 (ii) Bank statements;
- 152 (iii) Electronic records of payment; or
- 153 (iv) Receipts;

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

158 Sec. 4. Fiscal impact statement.

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

162 Sec. 5. Effective date.

163 This act shall take effect following approval by the Mayor (or in the event of veto by the
164 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
165 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
166 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
167 Columbia Register.




OFFICE OF THE GENERAL COUNSEL

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MEMORANDUM

TO: Councilmember Anita Bonds

FROM: Nicole L. Streeter, General Counsel 

DATE: January 21, 2019

RE: Legal sufficiency determination for B23-XXX, the
Federal Worker Housing Relief Temporary Act of 2019

This measure is legally and technically sufficient for Council consideration.

This bill would offer relief to federal workers, employees of contractors, and applicable household members who are affected by the federal government shutdown by allowing them to move to stay eviction or foreclosure proceedings during a covered period. The court or Mediation Administrator, as applicable, would be required to grant the stay provided that the affected person submits the required documentation. An affected person could also move the court to void rental late fees that accrue during the covered period.

I am available if you have any questions.

COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jennifer Budoff, Budget Director *Amel D. Jay for*

DATE: January 22, 2019

SHORT TITLE: "Federal Worker Housing Relief Emergency Act of 2019"

TYPE: Emergency/Temporary

REQUESTED BY: Councilmember Anita Bonds

Conclusion

This emergency/temporary bill does not have an impact on the District's budget or the financial plan, because there is no cost associated with implementing it.

Background

This emergency/temporary bill provides a stay of eviction or foreclosure proceedings until 30 days after the enactment of a federal appropriations bill that funds the federal government worker or contractor's agency for a period of up to a maximum of 90 days. Also, the bill protects the government worker or contractor from accruing late fees on rent or mortgage payments during the period he/she is not receiving a paycheck due to the federal government shutdown.

Analysis of Impact on Spending

This emergency/temporary does not impact spending.

Analysis of Impact on Revenue

This emergency/temporary does not impact revenues.