

**Government of the District of Columbia
Department of Housing and Community Development**



**Housing Provider Ombudsman
Annual Report for Calendar Year 2010**

Introduction

In 2004, as part of its effort to assist small housing providers better navigate and understand the District's affordable housing laws, the District of Columbia Council directed the Department of Consumer and Regulatory Affairs (DCRA) to create the Housing Provider Ombudsman (HPO). In its recommendations report for the FY 2005 Budget, The Committee on Consumer and Regulatory Affairs (the Committee) cited a critical need for direct technical assistance and education on the District's housing laws for small housing providers. Small housing providers were highlighted as most needing assistance by the Committee following testimony indicating they often could not afford the costs associated with legal counsel or other resources necessary to get quality information on the District's rental housing laws and procedures. The subject matter areas cited by the Committee for expanded technical assistance included the District's rent stabilization program, along with several other programs relating to the preservation of affordable housing.

In response to The Committee's directive, the HPO position was first staffed in FY 08 when the Housing Regulation Administration (HRA) was transferred from DCRA to the Department of Housing and Community Development (DHCD). The HPO is tasked with 3 primary areas of responsibility:

- 1) Provide technical assistance and information to small housing providers on the subject of the District's rental housing laws;
- 2) Conduct outreach and education on the District's rental housing laws for the benefit of small housing providers; and
- 3) Serve as a formal conduit for communication between small housing providers and the District government, specifically HRA.

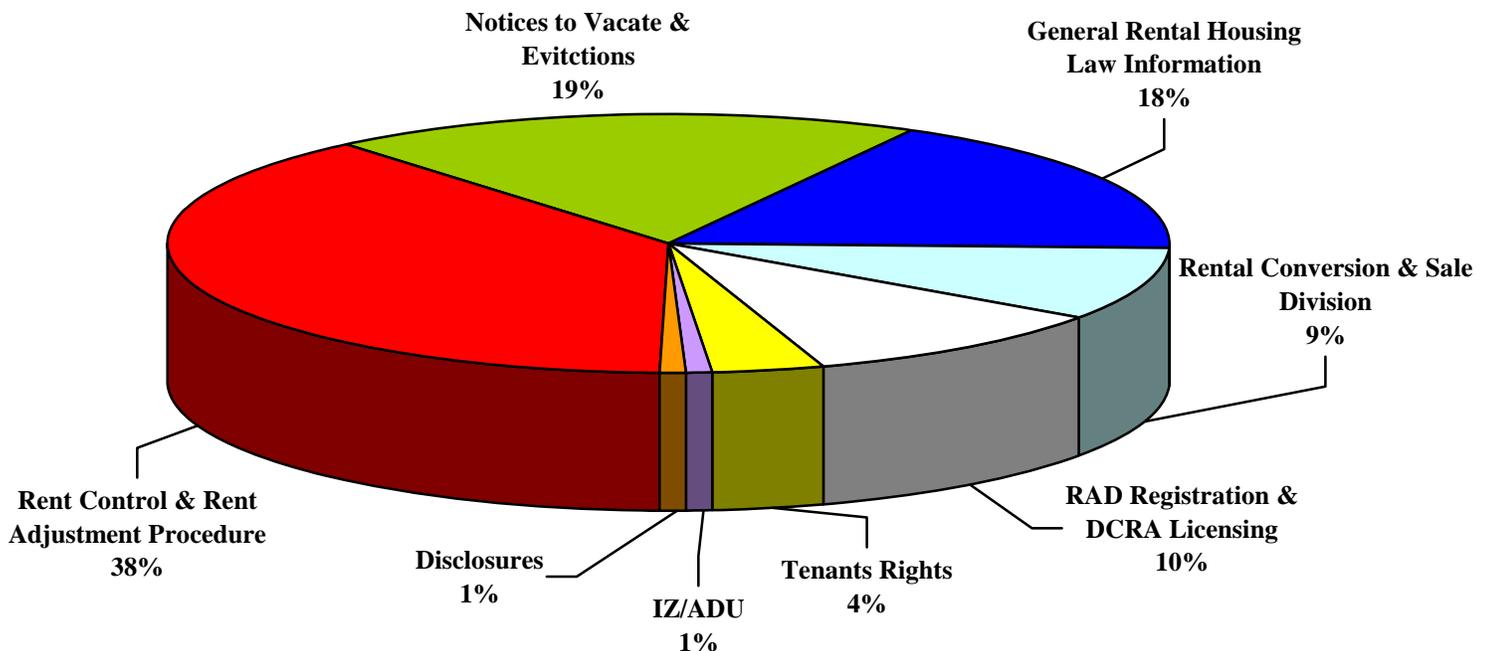
Information regarding the HPO is available on www.dhcd.dc.gov under the Housing Regulations section. The Housing Provider Ombudsman can also be reached via telephone at (202) 442-9505 and within DHCD's Housing Resource Center, which is located at 1800 Martin Luther King Jr. Avenue, SE, Washington, D.C. 20020.

Direct Technical Assistance

The Housing Provider Ombudsman (HPO) is available from 8:30 am to 3:30 pm every business day in DHCD's Housing Resource Center. The HPO provides direct technical assistance to housing providers on the law, regulations and procedures governing rent control, the licensing and registration of rental units, rent adjustments under rent control, and the conversion and sale of rental housing. The HPO also helps housing providers understand forms, clarifies policies and procedures, and receives recommendations and concerns. The HPO is available for in-person assistance on both a walk in and appointment basis.

In calendar year 2010, the HPO responded to 446 material customer inquiries. This number includes all customer interactions requiring either a sit down meeting, procedure or policy guidance or other significant assistance. Customer service inquiries requiring minor clarifications, Q&A's, or clerical matters are not captured in this metric, but would likely triple the number of stakeholder contacts. Approximately two thirds of all material inquiries were made via telephone, with the majority of the balance conducted via email. Customer inquiries are categorized into eight subject matter classifications.

Distribution of Material Housing Provider Inquiries



Breakout of HPO Material Housing Provider Inquiry Classifications

■ Rent Control and Rent Adjustments & Procedure

- 1) Researched and responded to inquiries dealing with the technical and procedural requirements for setting rents under the rent stabilization program.
- 2) Reviewed the procedures for setting rents under various scenarios including expiring exemptions, vacant properties, new construction, recent rehabilitation and ownership transfers.
- 3) Responded to questions regarding rent adjustments based upon Annual CPI, Vacancy, Substantial Rehabilitation, Capital Improvement, Voluntary Agreement, Changes in Services and Facilities and Hardship.

■ General Rental Housing Law Information

- 1) Recorded and communicated housing provider concerns and recommendations relating to the Reauthorization of the Rental Housing Act of 1985.
- 2) Provided general information on the content of the District's housing laws including lead based paint, fair housing the applicability of lease provisions, the housing choice voucher program and the regulation of security deposits.
- 3) Made inquiries for service and referred cases to outside agencies (eg. DCRA, DDOE, OTA, DCHA, DCHFA, OAH, the Bar of the District of Columbia).

□ RAD Registrations & DCRA Licensing

- 1) Assisted housing providers with the procedural requirements for licensing and registering a housing accommodation with the District of Columbia, including Certificates of Occupancy, BBL applications, Clean Hands Certifications, and the RAD Registration/Claim of Exemption.
- 2) Provided technical assistance on the legal and regulatory requirements necessary to register a housing accommodation or housing provider as exempt or excluded.
- 3) Assisted and followed up with DCRA on behalf of housing providers regarding DCRA inspection schedules and requirements.

■ Tenant Disclosures

- 1) Provided overview of housing provider disclosures to tenants including Applicant Disclosure, New Tenant Disclosure, and Notice of Disclosure forms.
- 2) Researched and responded to technical and procedural housing provider inquiries including requirements for delivery and the validity of electronic notice.

■ Notices to Vacate & Evictions

- 1) Provided technical assistance on the procedural elements of the District's 8 notices to vacate including: Correct or Vacate, Illegal Acts, Personal Use and Occupancy, Use and Occupancy of a Contract Purchaser, Discontinuance of Use, Demolition, Substantial Rehab, and Repair and Alterations.
- 2) Provided a procedural overview of the eviction process, including the role of notices to vacate, writs of eviction, and U.S. Marshals.

■ Rental Conversion & Sale Division

- 1) Responded to inquiries concerning the conversion and sale of rental units, including TOPA time periods, the requirements of notices of offer of sale, and other conversion and sale matters.
- 2) Researched and assisted with legal and procedural requirements for the licensing, registration and lease up of condominiums and cooperative units.

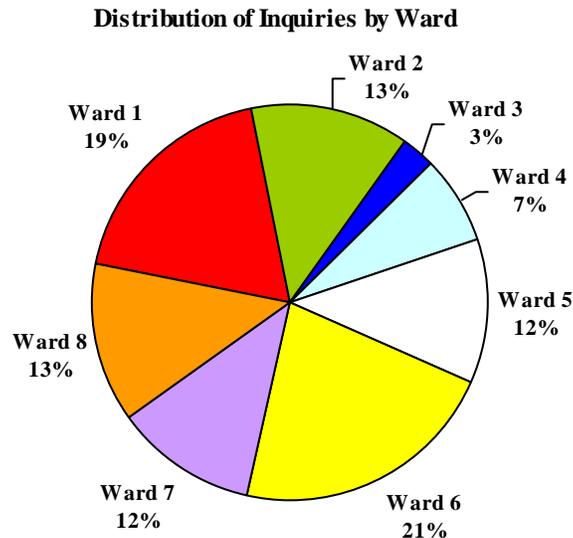
■ Tenant Rights

- 1) Responded to housing provider inquiries regarding tenants' rights to engage in legally protected activity including rights to organize, distribute flyers, post literature, and submit tenant petitions.
- 2) Responded to inquiries relating to the status, legal basis of, and procedural requirements governing tenant petitions.

■ Inclusionary Zoning/Affordable Housing Programs

- 1) Provided overview of the District's Inclusionary Zoning and Affordable Dwelling Unit programs.
- 2) Researched and responded to inquiries on other District of Columbia affordable housing programs including Planned Unit Developments and the District Opportunity to Purchase Act.

Inquiries were distributed fairly evenly among the District's eight wards, as can be observed below. The number of HPO inquiries closely tracked the estimated number of rental units located within each ward. Ward Six appears to have been over represented, accounting for 21% of HPO inquiries, despite estimates that it houses only 13% of the District's rental units. Correspondingly, Ward Three, which is estimated to contain nearly 12.5% of the District's rental units accounted for only 3% of HPO inquiries.



Outreach and Education

To assist small housing providers better understand the District's rental housing laws, the HPO and other HRA staff conduct both public education and outreach events as well as educational sessions for individuals and small groups of housing providers. Public HPO events are held approximately once per month. Though any member of the public may attend, these events are designed to provide information tailored and marketed to small housing providers.

The HPO conducted 13 public education and outreach events attended by 473 customers in 2010. Attendees included housing providers, realtors, agents, property managers, tenants and staff from other District agencies. The HPO events were held at seven different locations, and in four of the District's eight wards. Start times were scheduled both during the business hours and the evening in order to accommodate as broad a spectrum of stakeholders as possible. All educational sessions were conducted via PowerPoint and were followed by question and answer sessions. Print outs of the presentations were made available to all attendees during the event, and afterwards via email. Covered topics included:

- 1) Registration and licensing procedures for rental housing;
- 2) Rent adjustment law and procedure;
- 3) Laws and procedure governing notices to vacate and evictions;
- 4) The Tenant Opportunity to Purchase Act; and
- 5) Guest speaker led sessions discussing recent amendments to The District's lead based paint risk regulations, and the new Housing Conditions Calendar introduced by the Civil Division of the Superior Court of the District of Columbia.

Small group and individual one-off sessions occurred periodically throughout the year and were available upon request. Agendas included in-depth reviews of specific statutes and forms, step by step walk throughs of various RAD or HRA procedures, as well as clarifications of statutory and policy gray areas.

In an effort to keep the HPO informed, the HPO attended 10 other education and outreach events hosted by other members of HRA and DHCD staff in 2010.

Liaison for small housing provider concerns

Finally and perhaps most importantly, the Housing Provider Ombudsman plays the critical role of liaison between small housing providers and the District government, specifically HRA. This role can be divided into four elements.

First, the HPO serves as a point of contact for the education of potentially misinformed or misguided housing providers. The HPO is also available to District departments and agencies to assist in the communication of correct rental housing law, regulations or procedures upon request. As part of this service, DC government agencies and subcontractors can request that the HPO educate and follow up with housing providers who they suspect may not be complying with the District's rental housing laws. Requests for assistance from DHCD, other parts of RAD, and various DHCD community based organizations are common.

Second, the HPO is a vector point for District services. Housing providers seeking assistance or services offered by the District government can contact the HPO for a referral and follow up assistance. Referrals to personnel within DCRA, DDOE, DCHA, DCHFA, OAH, OTA and offices within branches of the Superior Court of the District of Columbia, among others, take place on a regular basis.

Third, the HPO is responsible for expanding small housing provider awareness on changes to relevant HRA policy and District of Columbia statutes and regulations. Updates are provided as part of the HPO's ongoing series of monthly educational events and in responses to housing provider inquiries and comments.

Fourth, the HPO is tasked with communicating the concerns and recommendations of small housing providers on the subject of rental housing policy and procedure to DHCD staff. To support that task, the HPO is included in many HRA departmental level activities. The HPO attends all weekly HRA staff meetings. The HPO also participates in departmental reviews of proposed legislative and regulatory amendments.

Going Forward

In 2011, in addition to maintaining his current service level, the HPO will be expanding its education and outreach series and collaborating with HRA to offer a set of informational guides on select aspects of the District's rental housing law. Further, the HPO's website will be expending to include additional information and educational materials.